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SUMMARY RECORD OF THE 34th MEETING

Chairman:	Mr. ZARIF	(Islamic Republic of Iran)
later:	Mr. TOMKA (Vice-Chairman)	(Czechoslovakia)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued) (A/47/384 and Add.1, A/47/67, A/47/60-S/23329, A/47/356-S/24367; A/C.6/47/6; A/C.6/47/L.12)

1. Mr. DASTIS (Spain), Chairman of the Working Group on the United Nations Decade of International Law, introducing the report of the Working Group (A/C.6/47/L.12), said that it reflected the comments made by the delegations that had taken part in the deliberations. It was divided into five sections, which corresponded to the sections of the programme for the first term of the Decade.

2. The annex to the report contained the programme for the activities for the second term (1993-1994), and it would also be included as an annex to the corresponding resolution. That programme was very similar to the programme for the first term and was also divided into the same five sections. That similarity was due firstly to the delicate balance with which the programme for the first term had fixed the goals to be achieved in each one of the objectives of the Decade. Secondly, the programme for the first term, because of its very nature, could not have been completed in two years.

3. The new programme incorporated those modifications which had been generally considered as necessary in order to reflect new developments in the field of international law and possible ways of contributing to the development of the Decade in future. The text offered many possibilities which could fully be developed by Member States and other organizations.

4. Mr. MIRAZAEE YENGEJEH (Islamic Republic of Iran) said that in the emerging atmosphere of cooperation, the international community, spared from rivalries between political blocs, now aspired to a new era of inter-State relations based on the principles of justice, adherence to the norms of international law, common prosperity, and respect for territorial integrity and the sovereignty of States. It was therefore imperative that all States Members of the United Nations should uphold the principle of the primacy of law in international relations, which was an essential factor for preserving world peace and security, and that they should endeavour, to the best of their abilities, to promote the objectives of the United Nations Decade of International Law.

5. The programme of activities for the second term of the Decade was the result of lengthy discussions and compromise, and was therefore unlikely to create general satisfaction. However, it did contain a number of important recommendations which, if complied with, would certainly help to advance the objectives of the Decade.

6. Unlike the programme for the first term, which had focused primarily on seeking the views of Governments and international organizations on how best to achieve the stated goals of the Decade, but had not allocated any specific

(Mr. Mirazaee Yengejeh, Islamic Republic of Iran)

activity in that connection to the Sixth Committee itself, the new programme did contain a proposal that a preliminary operational plan should be drawn up for a congress on public international law to be held in 1994 or 1995. As his delegation had stated in the Working Group, it was absolutely necessary that the resolution on the subject should give a clear mandate to the Secretariat to undertake that project. The proposal had enjoyed wide support in the Working Group, partly because it was felt that the programme of activities for the Decade should not be limited to the States Members of the United Nations, but should also involve relevant institutions, scholars and interested individuals in every country, in order to promote the objectives of the Decade throughout the world. The Islamic Republic of Iran, which had made the proposal, had been inspired by a successful congress organized in conjunction with the United Nations Commission on International Trade Law, which had been held in New York in May 1992.

7. The proposed congress would be the first of its kind in the history of the United Nations, would serve to promote the acceptance of, and respect for, the principles of international law, and would provide an opportunity to assess the prospects for the progressive development and codification of international law, while contributing to its wider dissemination. Ways and means of promoting the peaceful settlement of disputes between States, including the strengthening of the role of the International Court of Justice, would also be discussed at the proposed congress. Of the five working days proposed for the congress, the first four should be severally devoted to the four stated purposes of the Decade, while the fifth should focus on an evaluation of the results so far achieved, on activities for the second half of the Decade, and on prospects for the next century.

8. His delegation had made it quite clear in a communication to the Secretary-General that, given the current financial problems of the United Nations, the organization of such a congress should not create an extra burden on its budget. In that respect, the Islamic Republic of Iran had been encouraged by the statement of the Secretary of the Sixth Committee to the Working Group, in which he had said that the costs of servicing the congress could in all probability be absorbed by existing allocations. However, the possibility of funding from voluntary contributions should not be excluded. His delegation was willing to study the views of other interested delegations in order to assist the Secretariat in preparing a preliminary plan for the congress.

9. Mr. LIAO Jincheng (China) said that the first two years of the United Nations Decade of International Law had laid a sound foundation for the Decade's contribution to the enhancement of the international rule of law and the maintenance of international peace and stability. His Government had consistently supported the Decade and had participated actively in organizing the programme of activities for its first term.

(Mr. Liao Jincheng, China)

10. In the course of the first term, the Chinese Government had organized, with the cooperation of the United Nations Environment Programme and other agencies, a symposium in Beijing from 12 to 14 August 1991, in which 32 experts and scholars from 17 countries and international agencies had participated. The final report adopted by the symposium contained proposals for the development of international environmental law.

11. His Government had also held a successful symposium on third world countries and international law in Beijing from 24 to 26 August 1992, involving 34 international jurists and lawyers from over 20 countries and relevant international organizations. It had emerged as the general view of the participants that the developing countries had made a substantial contribution to the progressive development and codification of contemporary international law, and that the symposium would greatly facilitate exchanges and cooperation among developing countries in the fields of teaching and research, thus enabling them to play a more active role in that regard. Further information concerning the symposium was available to interested delegations in document A/C.6/47/6.

12. His Government had brought to the attention of the Chinese Society of International Law the programme for the activities for the first term of the Decade. As a result, the Society had sponsored an international symposium, held in Beijing from 17 to 21 August 1992, on the teaching and study of international law, which had involved legal scholars and professionals from 11 countries. The symposium had been preceded by two seminars on the same subject, held in Beijing and Shanghai.

13. China and the great majority of other countries shared a common desire to ensure that the role of the International Court of Justice was strengthened and that international disputes were settled by peaceful means. In addition to putting forward relevant proposals, his Government was actively consulting with the other permanent members of the Security Council with a view to strengthening the role of the Court in the peaceful settlement of disputes. It was also willing to explore, on a bilateral or multilateral basis, practical and effective ways to enhance the role of the Court and promote the settlement of international disputes by peaceful means. At the same time, it was considering withdrawing its reservations concerning clauses on the settlement of disputes in certain international conventions.

14. His Government had actively supported and participated in the activities relating to the Decade. Among the useful proposals put forward in the discussions of the Working Group, it particularly noted the proposal to hold a congress on public international law. His delegation was prepared to consult with other interested delegations on that proposal.

15. Mr. OSVALD (Sweden), speaking on behalf of the Nordic countries, said that the report of the Secretary-General on the United Nations Decade of International Law (A/47/384 and Add.1) reflected an impressive level of activity at both the national and international levels. It was important for the document to be disseminated as widely as possible at the national level, and in particular to relevant branches of government, so as to provide information about ongoing activities and act as a source of inspiration to the reader.

16. As the Nordic countries had noted in their statement in 1991, the main focus of the Decade should be at the national level. The activities of the Decade were slowly but steadily gaining speed. The dissemination of the Secretary-General's report at the national level should stimulate further activities in such a way that the work would be self-generating and perhaps lead to a major manifestation of different activities towards the end of the Decade. The fundamental parts of the programme of activities for the first term of the Decade should be left unchanged; only the necessary specific amendments should be made.

17. The Nordic countries felt that the idea of organizing a United Nations congress on public international law was worthwhile, within existing budgetary means. It was important that such a congress should be carefully planned; further deliberations and consultations were therefore needed.

18. The Nordic countries felt that, rather than devoting one day to each of the different topics of the Decade, seminars and workshops could be organized where participants with special interests could meet with a view to achieving practical results. Careful consideration should be given as to who should participate. It was important that practitioners of international law, in particular officers from the legal departments of ministries of foreign affairs, should participate. Consideration needed to be given to ways of facilitating attendance at the congress for practitioners who so far had had limited opportunities to take part in such meetings.

19. One possible topic for the congress to consider was what kind of assistance and technical advice was needed by States, particularly developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of treaties. Such an exchange of ideas was not possible without the participation of the States concerned, including the newly independent States in Eastern Europe and Central Asia.

20. On the question of whether national committees should be set up, the Nordic countries felt that flexibility was needed. In some countries it might be advantageous to have such committees. In their own case, they had preferred to organize the work somewhat differently, not least because of the multifaceted work performed by non-governmental organizations in their region. The priority was to keep those organizations informed about the Decade. That task could be carried out by the legal department of each

(Mr. Osvald, Sweden)

ministry of foreign affairs, which could provide information about the work of the Sixth Committee and its Working Group and make available the necessary documentation.

21. On the question of an international committee for the Decade, he noted that the Sixth Committee was already the international coordinating body. International non-governmental committees and ad hoc cooperation between non-governmental organizations or interested individuals and private bodies might also be useful. Non-governmental organizations could make a significant contribution to the successful outcome of the Decade; it was for them to formulate their own programmes and conduct their activities, including participation in possible international bodies. They could also be involved in the founding of branch or sister organizations in other countries, so as to promote active participation at the national level by non-governmental organizations, and their scrutiny of government policy in matters involving the application of law.

22. The issue of protection of the environment in times of armed conflict deserved priority attention during the Decade. That topic touched upon at least three of the main purposes of the Decade.

23. The legal departments of ministries of foreign affairs were in the best position to act as a link between the work within the United Nations and the various institutions at the national level which should be involved in the programme for the Decade. Those departments should be able to make a substantial contribution, with modest efforts; they could ensure that the relevant documentation was disseminated at the national level, make law faculties aware of the programme for the Decade and its progress, and encourage lectures and articles on the Decade.

24. The Nordic countries felt that many different methods could be used to popularize international law. They reiterated their proposal that the United Nations should write a short text on the United Nations and international law which could be used in schools. The outline of such a text could be prepared in time for the next session of the General Assembly.

25. Mr. ORDZHONIKIDZE (Russian Federation) said that the legal foundations of international life were being consolidated in the aftermath of ideological confrontation, and there was a growing compatibility in the positions of States on legal matters. Since the United Nations had a unique role to play in harmonizing those positions, it had been a logical step for the General Assembly to proclaim the 1990s as the United Nations Decade of International Law.

26. The most important outcome of the deliberations thus far on the specific programme for the Decade had been the additional impetus given to the machinery of cooperation within the United Nations in regard to international law, and the increasing involvement of States in implementing various aspects of the programme. Welcome features of the programme for the term 1993-1994

(Mr. Ordzhonikidze, Russian Federation)

which the Working Group on the Decade was proposing in its report (A/C.6/47/L.12) were that it focused on the practical applications of international law and that it showed realism as to financial constraints. Obviously, not all the suggestions and ideas contained in the report could be implemented in the programme for that term, but many of them merited careful consideration.

27. His delegation agreed with the Working Group's conclusion that national efforts would play a major part in ensuring the success of the Decade, since stability and predictability in international development ultimately depended on the attitude of States to the principle of the primacy of international law in international relations and to the rule of law in general. The aim of the Decade should be to encourage States to recognize that legality constituted a formidable barrier to disintegration and an incentive to democratic and humane social development.

28. A further function of the Decade was to promote international peace and security, and in particular the crucial principle of peaceful settlement of disputes. In that respect, significant progress had already been achieved since the end of the cold war, as could be seen from the increasing role of the International Court of Justice and the machinery for conciliation and arbitration emerging from the Conference on Security and Cooperation in Europe. Procedures for the peaceful settlement of disputes were also under consideration in the Council of Europe and other regional organizations, and were a constant concern within the Commonwealth of Independent States. A major role in preventing armed conflict was played by international humanitarian law, as had been duly reflected in the programme for the Decade.

29. Newly independent States could benefit from cooperation with the United Nations in matters relating to international law, in particular the question of acceding to basic international and regional instruments, and ensuring compatibility between domestic legislation and international obligations.

30. One priority should be to promote popular awareness of international law, particularly by encouraging States and international organizations to publish the texts of the basic conventions and the works of recognized authorities - both scholars and practitioners - in the field of international law.

31. The proposal to hold a United Nations congress on public international law was worthwhile, but must be backed up by solid preparatory work in order to ensure that its conclusions and recommendations represented real landmarks in the development of international law. His delegation also supported the Working Group's recommendation that the Secretariat should prepare, in consultation with members of the Committee, a preliminary working plan for such a congress.

32. Mr. MONTES DE OCA (Mexico) said that the rigid positions adopted by some members of the Working Group on the United Nations Decade of International Law called into question the usefulness of continuing to work on the basis of consensus. A mechanism must be found for following up on constructive ideas presented in the Working Group in order to guard against unjustified obstructionism. The Working Group might wish to consider the possibility of a return to the strict observance of the rules of procedure of the General Assembly and to abandon the method of exceptions which had been adopted to promote the objectives of the Decade.

33. During 1992, Mexico had for the first time enacted a general law on treaties which provided guidelines to the executive branches on the characteristics and elementary procedures of treaty negotiation. His Government had also signed a contract to computerize the bilateral and multilateral treaties in force to which Mexico was a signatory. Also during 1992, an updated list of such treaties had been published and made available commercially.

34. The Mexican Committee for the United Nations Decade of International Law had received strong support from jurists in the academic, litigation and public administration sectors, who had continued their efforts to provide follow-up to the programme for the Decade. At the multilateral level, Mexico had participated in the second Ibero-American summit of heads of State and Government in July 1992, which had provided a high-level forum for reaffirming commitment to the principles and objectives of its founding meeting, including respect for international law.

35. With regard to the peaceful settlement of disputes, he wished to draw attention to the extensive section on mechanisms for the peaceful settlement of disputes, contained in the free-trade agreement which Mexico had negotiated with Canada and the United States.

36. Like other Latin American States, Mexico believed that one of the basic vehicles for the dissemination of international law was the availability in all the official languages of the United Nations of a list of titles of multilateral treaties of which the Secretary-General was depositary. In that connection, he wished to commend the Treaty Section for its efforts, thanks to which such a list would be made available within a few weeks.

37. His delegation welcomed the proposal made by the Iranian delegation for the convening of a congress on public international law. Such a congress would mark a significant milestone and would be the first of its kind in the United Nations. The organizers of the congress could learn from the experiences of the quasi-universal congresses on international law which took place in other forums. His delegation's initial reaction would be to propose that the provisional study prepared by the Codification Division should receive the input of all sections of the Office of Legal Affairs of the United Nations, since to entrust the task exclusively to the Codification Division would exclude inputs from the departments that dealt with international law

(Mr. Montes de Oca, Mexico)

and human resources, which were fully prepared to contribute to such a congress.

38. On the question of national committees and institutions for the dissemination and study of international law, his delegation was disappointed at the small number of national committees that had been set up to provide follow-up to the programme for the Decade. It recognized, however, that institutions existed in many States which carried out important related activities, although they did not operate within the framework of a national coordinating committee.

39. In that connection, his delegation would recommend that representatives of the Working Group on the Decade or a representative of the Bureau of the Sixth Committee should participate in the symposium which would be held in April 1993 at Washington as part of the annual meeting of the American Society of International Law. He would be grateful if the delegation of the United States could provide more information on that meeting. His delegation also welcomed the establishment of national committees in Bolivia and Argentina. In New York, a number of delegations to the Sixth Committee from Asia, Africa and Latin America had met informally on several occasions to discuss activities related to the objectives of the Decade. A member of the International Law Commission had addressed one of those meetings. Mexico hoped that a larger group could meet in 1993 with members of the Commission or with its Chairman to discuss the Commission's work or to listen to one of the lectures delivered in the Commission's seminar in Geneva. Several delegations had expressed an interest in such lectures.

40. At subsequent informal meetings held in Asia, Africa and Latin America, it had been decided to organize a number of round-table meetings, to which all the members of the Sixth Committee had been invited. Participants in those meetings had included professors from the Universities of Berlin, Columbia and Yale, and De Paul University in Chicago. The meetings had also been supported by the President and several members of the International Court of Justice. His delegation hoped that the experience could be repeated in 1993, and urged the missions in New York to continue to participate in the effort.

41. Other activities to promote the Decade should, however, be of a more formal nature. For that reason, his delegation regretted the objections of some members of the Working Group to the idea of entrusting the outgoing Chairman of the Working Group with a mandate to organize such events. An alternative would be to receive the support of the Bureau of the Sixth Committee to organize such functions throughout the year under the direction of its Chairman. Indeed, it was unfortunate that the Sixth Committee should only devote two months of the year to the task of coordinating the objectives of the programme for the Decade.

(Mr. Montes de Oca, Mexico)

42. The Committee should seek to ensure that the general course in international law which was taught every year at the Academy of International Law was disseminated simultaneously, or at a later stage, in interested faculties of international law. A system of credits for completing the general course under supervision could represent a unifying element in the study of that subject at a world-wide level. Since, in its current printed form, the course was inaccessible to the great majority of universities, efforts should be made to translate and disseminate it in Spanish and Arabic. There was also a need for a more effective dissemination of the Hague Recueil des Cours, including its videotaping and sale.

43. His delegation wished to stress the importance of the informal consultations held among the legal advisers of the ministries of foreign affairs of States Members of the United Nations. Mexico, for example, in consultation with Brazil and Spain, had played an important role in gaining the support of a large number of Latin American countries for the idea that the General Assembly should authorize the Secretary-General to request advisory opinions from the International Court of Justice. The Legal Counsel of the United Nations had made extensive comments on that idea, and Mexico would be attentive to the views of delegations at the forthcoming session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

44. With regard to the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, concrete steps should be taken to expand the Programme in the manner suggested in paragraph 14 of General Assembly resolution 46/50. In that connection, the public relations and promotional activities of the Chairman of the Sixth Committee between sessions of the Committee could be very useful. His delegation welcomed the publication by the Codification Division of the United Nations and the secretariat of the International Court of Justice of the summaries of judgments and advisory opinions of the Court from 1948 to 1991. A lower-cost edition of that publication, as well as a version in Spanish, would ensure its wider dissemination among interested faculties of law. In that respect, he wished to draw attention to the possibility of external funding of translations into Spanish of the full texts of the Court's judgments. In order to take advantage of that offer, the Secretariat should prepare a study on the question for the consideration of the Fifth Committee, on the understanding that the texts of advisory opinions would in future no longer be incorporated in the collections, provided that they were translated as part of the normal workload of the United Nations.

45. Turning to the work of the Sixth Committee, he noted that jurists recently assigned to missions in New York immediately sought literature on the Sixth Committee and on the progress of its work, in order to understand its position among the other Main Committees, its mandate, its identity and its methods of work. The absence of documentation in that area was unfortunate. His delegation therefore welcomed the brief but enlightening notes on the

(Mr. Montes de Oca, Mexico)

Sixth Committee (A/46/372) prepared by the Legal Counsel. If expanded at a later stage, the document would be of even greater use to new representatives to the Sixth Committee.

46. Mr. Tomka (Czechoslovakia), Vice-Chairman, took the Chair.

47. Mr. SALEEM (India) said that his country endorsed the concept of the Decade of International Law, whose purposes were consistent with its own history and record. India had always supported the promotion of the rule of law in international relations and the progressive development and codification of international law. It had played an active role in the adoption of the United Nations Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Manila Declaration and, more recently, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations. It had been a co-sponsor of the New Delhi Declaration of Heads of State or Government of Non-Aligned Countries, which had called for peace and total disarmament, in particular nuclear disarmament and the elimination of weapons of mass destruction, and had actively participated in the international conferences held for the purpose of adopting such multilateral treaties as the 1969 Vienna Convention on the Law of Treaties, and the 1961 and 1963 Vienna Conventions. International law formed part of the curricula of several Indian universities at the graduate and post-graduate levels. His Government encouraged research in international law by giving financial and other assistance to academic institutions, and was considering the publication of treaties concluded with other countries in the form of a treaty series. The central Government and the State governments were also financially assisting and actively supporting other programmes and activities in connection with the promotion of the study of international law. India was one of the founding members of the Asian-African Legal Consultative Committee, which had its headquarters in New Delhi, and actively participated in all the Consultative Committee's activities.

48. The promotion of the principle of peaceful settlement of disputes among States was, of course, fundamental to the achievement of international peace and security. However, both prevention and peaceful settlement of disputes should be flexible and appropriate to the circumstances and nature of the dispute in question. In that connection, he recalled operative paragraph 5 of the Manila Declaration, which enjoined States to settle their disputes on the basis of sovereign equality of States and in accordance with free choice of means. That principle was entirely consistent with the reference to "other peaceful means of their own choice" in Article 33, paragraph 1, of the Charter of the United Nations. The process of promoting peaceful settlement of disputes should not result in any restriction being placed on the wide choice of means of settlement of disputes available to States.

(Mr. Saleem, India)

49. In conclusion, he said that the cause of peace and peaceful settlement of disputes could not be adequately served unless the present world order was structurally modified and fundamental decisions were taken on vital issues repeatedly highlighted by the Non-Aligned Movement.

50. Mr. Zafir (Islamic Republic of Iran) resumed the Chair.

51. Ms. KOFLER (Austria), after reaffirming her country's wholehearted commitment to the objectives of the United Nations Decade of International Law, said that the replies from Governments summarized in the report of the Secretary-General (A/47/384 and Add.1) proved that the Decade was not a static concept that could be implemented by a stroke of the Sixth Committee's pen. While recognizing the Committee's particular responsibility for promoting the goals of the Decade and monitoring the implementation of its programme, her delegation believed that the aims formulated and the documents adopted could only be brought to life if a broad range of institutions and bodies at different levels, and at the national level especially, were involved in their implementation. That conclusion was supported by practical experience gained in her country and documented in its written reply.

52. Her delegation was, in principle, satisfied with the programme of activities for the second term of the Decade proposed by the Working Group (A/C.6/47/L.12, annex). While it would have preferred some parts of the programme to be adjusted and updated in the light of proposals put forward in the written comments and in the course of the debate, it was fully aware of the importance of reaching all decisions relating to the Decade by consensus. The references to the report of the Secretary-General entitled "An Agenda for Peace" (A/47/277-S/24111) contained in sections II and III of the programme attested to the Working Group's capacity to take account of new developments.

53. In connection with the promotion of means and methods for the peaceful settlement of disputes between States (sect. II of the programme), special emphasis should, in her delegation's view, be placed on areas in which differences between States were most likely to occur in the future and, in particular, on the environmental field. Recent years had witnessed a sharp increase in environmental conflicts with potentially explosive political implications, which had brought into focus the urgent need for specific measures for their prevention and settlement. In that connection, she referred to a passage in chapter 39 of Agenda 21, adopted by the United Nations Conference on Environment and Development, to the effect that in the area of avoidance and settlement of disputes, States should further study and consider methods to broaden and make more effective the range of techniques available at present, taking into account, among other things, relevant experience and the existing international agreements, instruments and institutions and, where appropriate, their implementing mechanisms.

54. With regard to the encouragement of the progressive development of international law and its codification, dealt with in section III of the programme, she reaffirmed the importance her delegation attached to the

(Ms. Kofler, Austria)

protection of the environment in armed conflicts. The development of international norms relating to environmental protection in general would, in view of its great importance, constitute a highly suitable subject to be dealt with in the framework of the Decade. The same applied, in her delegation's opinion, to the further development of international humanitarian law.

55. Lastly, referring to the request to the Secretariat to draw up a preliminary operational plan for a possible United Nations congress on public international law, she said that her delegation looked forward to receiving such a plan, which would enable it to comment on the proposal in greater detail. As a preliminary reaction, her delegation could agree with the suggestion that the holding of such a congress, if generally agreed upon in the Committee, might make an interesting contribution to the programme of events to celebrate the fiftieth anniversary of the United Nations.

56. Mr. FISSENKO (Belarus) said that it was appropriate for the Committee to conclude its work at the present session with the consideration of the item on the United Nations Decade of International Law. The productive exchange of views now taking place would undoubtedly serve as a healthy stimulus for future practical action in the sphere of international law.

57. His delegation endorsed the programme for the activities for the second term of the Decade reproduced in the annex to the report of the Working Group (A/C.6/47/L.12). It welcomed the appeal addressed to States in section I, paragraph 1, of the programme to act in accordance with international law, and particularly the Charter of the United Nations, and to promote the acceptance of and respect for the principles of international law. It was particularly important that as many States as possible should become parties to existing multilateral treaties and especially to those relevant to the progressive development and codification of international law, priority being given to international instruments on human rights and humanitarian law, and also, perhaps, to the Vienna Convention on the Succession of States. His Government was already a party to a number of international treaties and conventions, and work was in progress towards its participation, on the basis of the law on the succession of States, in multilateral and bilateral treaties concluded by the former Union of Soviet Socialist Republics. Such work required considerable effort on the part of the young legal department of his country's Ministry of Foreign Affairs, and the importance of international cooperation in the field of international law, inter alia, in the context of the Decade, was therefore appreciated with particular clarity.

58. The emphasis placed in the programme on the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, was, in his delegation's view, entirely justified. In that connection, the ideas concerning the International Court of Justice put forward in paragraphs 38 and 39 of the Agenda for Peace (A/47/277-S/24111) deserved careful consideration. He also recalled the statement made by his delegation in

(Mr. Fissenko, Belarus)

connection with the consideration of agenda item 133, stressing the need to bring into action a mechanism for the implementation of the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security (General Assembly resolution 46/59) and the desirability of ensuring the wide dissemination in all the official languages of the United Nations of the Handbook on Peaceful Settlement of Disputes between States.

59. His delegation attached great importance to the activities referred to in section IV of the programme in connection with the encouragement of the teaching, study, dissemination and wider appreciation of international law. The idea of holding a United Nations congress on public international law in 1994 or 1995 within the context of the Decade also deserved every support. The recent congress on international trade law, in whose work representatives of Belarus had taken part, could serve as a useful model in the preparation of the proposed congress, the holding of which might usefully be timed to coincide with a session of the Special Committee on the Charter, the International Law Commission or the General Assembly.

60. Mr. Tomka (Czechoslovakia), Vice-Chairman, took the Chair.

61. Mr. YAMADA (Japan) said that in view of the new challenges that were arising in the wake of the cold war, it was important to remind States of their obligation to act in accordance with international law, and particularly the Charter of the United Nations. Japan was committed to the principle of peaceful settlement of international disputes, particularly through the International Court of Justice. That commitment was demonstrated by its acceptance of the Court's compulsory jurisdiction as early as 1958, and by its cooperation with the Court since then for the enhancement of the rule of law in the world community. Japan would continue to make every effort to strengthen the role of the Court as the world's most prestigious judicial institution.

62. The Committee should take into account the proposals made in the Agenda for Peace with regard to the peaceful settlement of disputes. An important role could be played by regional organizations, in consultation with the United Nations, in that respect. In addition, wider use should be made of the Permanent Court of Arbitration.

63. Efforts should be made to identify areas of international law which might be ripe for progressive development or codification, particularly since new issues were arising which might not be sufficiently covered by existing law, for example the environment. The Special Committee on the Charter should continue to study measures to strengthen the United Nations system for the maintenance of international peace and security, taking into account the proposals contained in the Agenda for Peace, and in consultation with other United Nations forums.

(Mr. Yamada, Japan)

64. The primary goal of the Decade was the popularization of international law. Ever since its admission to the United Nations, Japan had conducted various information activities in order to develop public understanding of the Charter. During the first term of the Decade, the Ministry of Foreign Affairs had compiled and distributed a pamphlet entitled "The United Nations and Japan". The United Nations Association of Japan had also produced pamphlets about the United Nations. In addition, Japan had organized seminars and symposia on international law.

65. Japan believed that it was useful to keep data on specific roles played by international law in the constantly changing international situation, and on how each country perceived such roles. In order to facilitate understanding among countries, efforts could be made to promote and foster cooperation in the compilation and distribution of materials, including explanations and analyses of issues relating to international law in which individual countries were involved. Every year, Japan donated to educational and research institutions around the world several hundred copies of the Japanese Annual of International Law.

66. Before a final decision was taken as to whether a United Nations congress on public international law should be convened, further definition and clarification needed to be sought on its purpose, agenda and participants. The Secretariat should draw up a preliminary operational plan for the congress and submit it to the Committee for consideration.

67. Mr. WOOD (United Kingdom), speaking on behalf of the European Community and its member States, drew attention to the comments those States had submitted in response to resolution 46/53, which were reflected in the report of the Secretary-General (A/47/384), and indicated the very wide range of activities relevant to the Decade that were being undertaken under the auspices of the European Community.

68. The Programme for the activities for the second term (1993-1994) of the Decade was similar to the programme of activities for the first term (1990-1992), which had been conceived in general terms. By their very nature, the activities within the programme had not been expected to be completed within a two-year period and, with the adjustments agreed upon, they were equally appropriate for the second term.

69. The European Community and its member States welcomed the mandate given to the Secretariat to draw up a preliminary plan for a United Nations congress on public international law and looked forward to considering the matter in more detail at the next session of the General Assembly.

70. Mr. KONE (Mali) said that the winds of change, freedom and democracy heralding a new era gave rise to an imperative need for justice, the codification of international law and the establishment of an international criminal jurisdiction. On the threshold of the third millennium, there were multiple concerns. Crimes against peace and mankind and crimes against the

(Mr. Kone, Mali)

environment were being committed daily; major political entities were rapidly disintegrating and peoples who were united by the same history, language and culture were destroying each other in the name of "ethnic cleansing". Senseless fratricidal wars were raging in Africa and elsewhere. Grave and massive violations of international law were occurring, and diplomatic missions, agents and correspondence were not spared. New democracies were being threatened by insecurity, economic disparities, protectionism and outside interference. Although the cold war was over, conventional, nuclear, bacteriological and chemical weapons still remained; factories were still producing round the clock, while for arms dealers it was just "business as usual".

71. International law had come into being at a similar period of change and uncertainty. It was being constantly enriched and developed over time. International legal science was becoming widely accepted and had had several culminating points, most recently the elaboration of the draft Code of Crimes against the Peace and Security of Mankind and the proposal for an international criminal court. Mali, a country of law and institutions, welcomed that positive development of public international law.

72. The difficulties and obstacles linked with universal acceptance of an international criminal jurisdiction could not be minimized. The principles of respect for State sovereignty and the exclusive competence of domestic courts would stand in the way of the primacy of international law over domestic law. The legal and political questions were complex and interlinked. However, in view of the end of the cold war and the prevailing enthusiasm in the international community, the increasing number and almost unanimous acceptance of United Nations peace-keeping operations, as well as the desire many times expressed in the Committee and in the General Assembly for a strengthening of the United Nations, it was to be hoped that with true political will, humanity, during the current decade, would be able to bring about the triumph of law over force, of international law over domestic law, so as to break away, finally, from the swing of the pendulum between barbarism and civilization.

The meeting rose at 12.45 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

SIXTH COMMITTEE
35th meeting
held on
Monday, 16 November 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 35th MEETING

Chairman:	Mr. ZARIF	(Islamic Republic of Iran)
later:	Mrs. FLORES (Vice-Chairman)	(Uruguay)
later:	Mr. ZARIF (Chairman)	(Islamic Republic of Iran)

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AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

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1 December 1992

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued) (A/47/384 and Add.1, A/47/67, A/47/60-S/23329, A/47/356-S/24367; A/C.6/47/6; A/C.6/47/L.12)

1. Mr. HALFF (Netherlands) said, with regard to the proposal to convene a United Nations Congress on public international law, that the request to the Secretariat to draw up a preliminary operational plan was appropriate. Careful planning was needed: consideration must be given to the logistical and financial aspects, to ensuring that there was no additional budgetary burden for the United Nations and, above all, to what was to be achieved. The Congress should not be a mere repetition of the work in the Committee; his delegation supported the idea of organizing seminars and workshops on subjects taken from the practice of international law or having a certain public appeal.

2. During the first term of the United Nations Decade of International Law, important projects and activities had been undertaken by most States to achieve the four main goals of the Decade. The useful proposals for activities contained in the report of the Secretary-General (A/47/384 and Add.1) could give some guidance on the work that needed to be done during the second term. However, the principal aim of the Decade was the promotion and strengthening of the role of international law in the policies of Member States. That meant that States had the responsibility of further studying and evaluating the role of international law in their own national and international policies, so as to ensure that international developments in the field of international law were properly taken into account and implemented in national law and policy. Those studies would necessarily contribute to acceptance of and respect for the principles of international law. In the Council of Europe, studies were being undertaken to compile and compare State practice in several fields of international law. International cooperation was needed to help developing countries in the process of applying international law in their own legislation and practice.

3. The state of affairs in international relations called for renewed and growing attention to international law. Differences of opinion and possible sources of conflict that might arise should be approached by adhering to the rule of law and engaging in preventive diplomacy rather than gun-boat diplomacy. The International Court of Justice played a pivotal role in that respect; fundamental initiatives aimed at strengthening that role were called for. His delegation supported the Secretary-General's view in his report "An Agenda for Peace" that the Court was an under-used resource and that greater reliance on the Court would be an important contribution to United Nations peacemaking. In view of the fact that only a minority of Member States had accepted the compulsory jurisdiction of the Court, and many had made reservations, the Secretary-General should request Member States that had not yet accepted the Court's compulsory jurisdiction to indicate the reasons. The replies of those Member States could provide the basis for a substantial debate in the Committee that could lead to better understanding and increased

(Mr. Halff, Netherlands)

appreciation of the Court. The Netherlands was in favour of broader and more frequent requests for advisory opinions from the Court, and supported the idea of allowing the Secretary-General to request advisory opinions.

4. He appealed to States which had not yet done so to accede to the 1899 Hague Convention for the Pacific Settlement of International Disputes and the 1907 Hague Conventions establishing the Permanent Court of Arbitration. States should actively assist in revitalizing the Permanent Court's role, since it could play a useful role in the current era.

5. His delegation would have preferred to maintain the item "Protection of the environment in times of armed conflict" on the agenda, but looked forward to considering that important legal subject in the framework of the Decade.

6. Mr. SOARES (Brazil) said that the United Nations Decade of International Law would ultimately encourage the progressive development and wider appreciation of international law. In that context, his Government had accorded priority to the publication and updating of the list of international agreements to which Brazil was party. It was gratifying that Member States were to have access to an on-line system containing the status of all multilateral treaties that were deposited with the Secretary-General.

7. The Secretary-General should be authorized to seek advisory opinions from the International Court of Justice; that authorization would ultimately contribute to the strengthening of international law.

8. During the current year, Brazil had acceded to or ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and signed the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity. It had also become a party to the American Convention on Human Rights.

9. Over the past two years, Brazil had promoted a great many lectures on international law; the Brazilian Society of International Law had resumed its activities and the publication of bulletins. In the academic field, the University of São Paulo had undertaken many activities to encourage the study of international law.

10. Brazil attached high priority to the convening of a congress on public international law, an initiative that would benefit the international community as a whole and provide a unique opportunity for debating in a constructive manner the recent evolution of international law. On the issue of the level of participants, his delegation would prefer experts in international law and representatives of States to attend, so as to have a comprehensive approach to matters of international law. It was of crucial importance to establish an international committee, in coordination with the Secretariat, to define the agenda, goals and programme of the conference. The

(Mr. Soares, Brazil)

round-table discussions organized in cooperation with non-governmental organizations had provided an opportunity for a very interesting exchange of views on various topics of international law.

11. Mr. AL-WAHEEBI (Oman), noting that recent international political developments had clearly demonstrated the need to promote compliance with the principles of international law, said that the purposes of the United Nations Decade of International Law were among the principal means whereby the Organization sought to enhance its role in maintaining international peace and security. It was apt that the Decade should coincide with publication of the Secretary-General's report entitled "An Agenda for Peace", with its emphasis on peacemaking and peace-keeping activities.

12. His country's policy, based on the purposes and principles of the Charter, diligently strove to promote acceptance of and respect for the principles of international law through accession to multilateral treaties and conventions and strict compliance with the obligations thereby entered into. It hoped that international organizations and States with broader experience in international law would help other States, and particularly developing countries, to participate in the codification of international legal instruments by providing related training opportunities.

13. Increasing acceptance of the rule of law in international relations must be accompanied by the establishment of mechanisms for the peaceful settlement of disputes. His country, which had consistently worked to ensure respect for that principle, believed that the role in that regard of the International Court of Justice should be strengthened and had contributed to the Secretary-General's trust fund to assist States in the settlement of disputes through the Court. Regional organizations should also play an enhanced role in maintaining regional peace, which in itself necessitated a strengthening of mechanisms for cooperation between such organizations and the agencies of the United Nations system.

14. Oman had been quick to understand the importance of encouraging the teaching, study, dissemination and wider appreciation of international law, and had incorporated the Charter, the Statute of the International Court of Justice and other related texts into its school curricula. Model study programmes, seminars and lectures, particularly for the benefit of developing countries, would help to achieve the desired objectives. In conclusion, his delegation believed that a conference on international law should be held during the next term of the Decade, provided that proper preparations were made in advance.

15. Mrs. FLORES (Uruguay) said that although the question of the promotion and development of international law concerned all States, it was of particular importance for developing countries. The best guarantee of peace was for States, in their international relations, to be guided by the rule of law. Her delegation's suggestions and comments in the previous year with

(Mrs. Flores, Uruguay)

regard to the four main goals of the Decade remained valid. In the course of the current year, Uruguay had ratified treaties such as the United Nations Convention on the Law of the Sea.

16. On the question of the peaceful settlement of disputes, it would be very useful to draw up a universal convention that would apply to all cases in which the various legal instruments did not envisage mechanisms for settling disputes; the system should provide for solving conflicts within reasonable periods, and would be initiated at the request of any of the parties to a dispute. The need for such a mechanism had become clear in various fields, including the environment. Uruguay supported the use of jurisdictional means for the settlement of disputes and, in particular, recourse to the International Court of Justice. It had been the first State to accept the compulsory jurisdiction of the Court. Bilateral treaties to which Uruguay was a party contained provisions referring to the binding jurisdiction of the Court.

17. Her delegation supported all activities for the progressive development and codification of international law. The convening of a Congress on public international law would contribute to achieving the goals of the Decade. The working group on the Decade should meet between sessions to promote the activities of the programme. With a view to greater dissemination of international law, continued efforts should be made to promote better use of the official languages of the United Nations in the publications and activities carried out within the Organization.

18. Mr. JOEDO (Indonesia) said that it was most appropriate that the initiative to declare a Decade of International Law had come from the non-aligned countries. The Decade afforded a unique opportunity for a collective appraisal of the best way for the international community to avail itself of the sweeping changes and new trends in the world with a view to enhancing respect for international obligations in promoting the purposes and objectives of the Charter.

19. Indonesia's policy consistently sought to advance international law and thereby codify the development of friendly relations and mutual cooperation among all nations in the world irrespective of differences in political or social systems, based on respect for State sovereignty, territorial integrity and non-interference. Indonesia had always supported the United Nations as the principal collective instrument through which Governments could resolve conflicts. It had sought to strengthen its various bodies as negotiating forums and to promote universal participation of States in multilateral treaties. The Convention on the Law of the Sea was an important instrument for maintaining law and order in ocean affairs, promoting cooperation among States, developing ocean resources and protecting the marine environment. His delegation hoped that all States would ratify the Convention so that it would enter into force as soon as possible.

(Mr. Joedo, Indonesia)

20. Within the framework of the Decade, priority should be given to the principle of peaceful settlement of disputes among States, taking into consideration the world's social, political and economic processes. That principle was fundamental to achieving a just world order wherein all States would work together to achieve the eradication of colonialism, ensure respect for sovereign rights and promote economic development through international cooperation that was fair and just to all peoples of the world.

21. The Commission and the United Nations Commission on International Trade Law (UNCITRAL) should increase their efforts for the progressive development of international trade law. UNCITRAL should encourage the active participation of all Member States, in particular developing States, in the preparation of universally acceptable legal texts. Further assistance should be given to developing States to enable them to participate more fully.

22. International cooperation based on the mutual recognition of equal rights and obligations of States was opening up new vistas for a more peaceful world. The objectives laid down by the non-aligned countries for a new international economic order, a new international information and communications order and the democratization of international relations as a whole could be secured by promulgating and respecting agreed norms of international conduct. The Decade could prove to be an extremely useful way to reiterate faith in the value of international law as a viable instrument for maintaining peace, cooperation and harmony in the world community.

23. It was very important that the United Nations should encourage the teaching, study and dissemination and wider appreciation of international law. The importance of respect for international law had been stressed at the Tenth Conference of Heads of State or Government of Non-Aligned Countries, in September 1992.

24. Mrs. Flores (Uruguay), Vice-Chairman, took the Chair.

25. Mr. JACOVIDES (Cyprus) welcomed the increased activity that had taken place in the field of international law during the first two years of the Decade. Ever since Cyprus had become an independent State in 1960, it had always endeavoured to abide by the rules of international law, to participate constructively in major United Nations law-making conferences and to make a contribution in areas such as developing compulsory third-party dispute settlement procedures and adopting progressive notions of international law. It had accepted without any reservation the compulsory jurisdiction of the International Court of Justice and had declared its willingness to refer to the Court, by way of advisory opinion or otherwise, the legal components of the major dispute which had been confronting it. Cyprus was convinced that, if the relevant principles of the Charter and other rules of international law had been applied, the Cyprus problem would not have arisen, and that the problem could be solved in the best interest of all parties concerned by implementing the relevant United Nations resolutions.

(Mr. Jacovides, Cyprus)

26. Cyprus had been closely associated with the initiation of the Decade idea which had emanated from the Ministerial Conference of the Non-Aligned Countries held in Nicosia in September 1988. The Non-Aligned Movement, representing the majority of the United Nations membership and having special reasons to ensure the primacy of international law and international relations, had much scope for additional activities in the field of public international law in support of legal principles important to the Movement's very existence; that had become even more relevant in the light of recent developments and the disappearance of a bipolar world.

27. Historic changes in the world offered renewed hopes and unique opportunities for strengthening the rule of law among nations and attaining peace with justice. The time was ripe for the codification and progressive development of many areas of international law. The report of the Secretary-General (A/47/384 and Add.1) indicated that much had been done during the first term of the Decade. His delegation strongly felt that the completion of the draft Statute of an international criminal court and of the draft Code of Crimes against the Peace and Security of Mankind would be major contributions of the Commission to the Decade. Important contributions had also been made by the Asian-African Legal Consultative Committee and the Meeting of the Senior Officials of Commonwealth Law Ministers held in Singapore in 1992; Cyprus was an active member of both organizations. The Symposium on Developing Countries and International Environmental Law and the Symposium on Developing Countries and International Law, hosted by the Government of China in 1991 and 1992, were of particular importance to developing countries. Implementation of the proposals contained in the Secretary-General's report "An Agenda for Peace" would be a major contribution to the Decade.

28. Cyprus supported the proposals regarding more frequent recourse to advisory opinions from the International Court of Justice and authorization to the Secretary-General to seek such opinions, acceptance by all Member States of the compulsory jurisdiction of the Court and support for the trust fund; it was encouraging to learn of the continuing and steady enlargement of the compulsory jurisdiction of the Court and to note that, in two cases before the Court, developing countries had already benefited from the trust fund.

29. His delegation supported the views expressed by the representative of the Netherlands concerning the peaceful settlement of disputes. The Government of Cyprus had decided to accede to the 1899 and the 1907 Hague Conventions for the Pacific Settlement of International Disputes, which would shortly be submitted to the House of Representatives for approval.

30. In his report "An Agenda for Peace", the Secretary-General referred to the collective security system provided in the Charter and the need to utilize Article 43 thereof. The Security Council should be able to avail itself of all options, including military force, under the Charter when all peaceful means had failed to remove a threat to the peace or a breach of the peace. Such a capacity was essential to the credibility of the United Nations and

(Mr. Jacovides, Cyprus)

would constitute a major deterrent to potential aggressors. His delegation strongly believed that resolutions of the United Nations, especially decisions of the Security Council, which were binding under Article 25 of the Charter, should be fully implemented in all cases and not selectively.

31. The acceptance of multilateral treaties was vital to the promotion of international law. In particular, the 1982 United Nations Convention on the Law of the Sea would be a major achievement of the Decade. In the field of environment and development, his delegation welcomed the signing of the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity and looked forward to further efforts and accomplishments in environmental law during the Decade.

32. The further dissemination and enhancement of the study of international law during the Decade was essential for promoting a clear understanding of the primacy of international law in international relations. In that connection, the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law had made a major contribution.

33. Cyprus welcomed the attention that was being given to the application of international law. It had itself acceded to the Optional Protocol to the International Covenant on Civil and Political Rights and had accepted article 25 of the European Convention on Human Rights. His delegation looked forward to the successful implementation of the Programme for the activities for the second term (1993-1994) of the Decade. It hoped, in particular, that consideration would be given to the proposal for a United Nations Congress on public international law to be held in 1994 or 1995. While the major purpose of the Decade was to enhance and solidify respect for international law, the Decade should also serve the purpose of popularizing it and, in that regard, he welcomed the proposal of the representative of Sweden for the preparation by the Secretariat of a short text for use in schools, as well as the role which could be played by the legal departments of Ministries of Foreign Affairs.

34. In conclusion, he reiterated the commitment of Cyprus to the promotion and primacy of international law in international relations and its adherence to the purposes and principles of the Charter as a central element governing relations among States.

35. Mr. VOICU (Romania) welcomed the increasing interest of States in implementing the Programme for 1990-1992, as registered by the relevant General Assembly resolutions. Among the activities undertaken by Romania within the framework of the Decade was the creation of a National Committee to coordinate the activities which would take place in Romania throughout the Decade. The National Committee included members of Parliament, officials from the Ministry of Justice and the Ministry of Foreign Affairs, and representatives of the academic community. On 12 November 1992, the National

(Mr. Voicu, Romania)

Committee had held a working session to assess the activities devoted to the Decade in 1991 and 1992. It had also been informed of the main proposals submitted during 1992 by various countries, including the proposal to start preparatory work for a United Nations Congress on public international law. The National Committee fully supported that initiative which could be linked both to the Decade and to the fiftieth anniversary of the United Nations. It believed, moreover, that the idea of convening a Conference on international law in 1999, on the occasion of the celebration of the 100th anniversary of the first Hague Conference, should also be taken into consideration by the Sixth Committee.

36. The various legal events which had taken place in Romania were related to implementing the Programme for the Decade included the adoption by the Constituent Assembly of the new Constitution of Romania, which had entered into force as a result of the referendum of 8 December 1991. The Constitution defined Romania as a national, sovereign and independent unitary and indivisible State. It contained specific provisions on international law and in it the State pledged to fulfil the commitments under the treaties to which it was a party. It also provided that treaties ratified by Parliament were part of domestic law and emphasized that the constitutional provisions on the rights and freedoms of citizens should be interpreted and applied in accordance with the Universal Declaration of Human Rights and other treaties and covenants. Finally, it stipulated that, in the event of disagreement between such covenants and treaties and domestic laws, the international regulations would have priority.

37. On the basis of the new Constitution, parliamentary and presidential elections had taken place in Romania in September and October 1992. The elections were an expression of the people's confidence in the structural changes and renewal of Romania over the previous three years and were clear evidence of the progress which the Romanian society had made on the path towards becoming a State of law. The Romanian electorate had rejected some allegations that Romania was unprepared for democracy, pluralism and modern political life, and in the electoral process the validity of the Constitution had been confirmed by vote of the people. The fundamental meaning of the State of law was the supremacy of the rule of law in society and the basic legal pattern of the State of law and of a market economy had taken shape in Romania. Romania was convinced that the United Nations Decade of International Law should contribute substantially to the supremacy of the rule of law among States.

38. During the period under review, Romania had concluded a number of treaties of friendship and cooperation with France, Germany, Greece, Italy, Spain and Turkey and was negotiating other such treaties. It had also become a party to various multilateral legal instruments deposited with the Secretary-General.

39. Romania had also taken an active part in activities to promote the peaceful settlement of disputes both within the United Nations and at the

(Mr. Voicu, Romania)

regional European level. Within that framework, it had participated in the negotiations held under the auspices of the Conference on Security and Cooperation in Europe for the establishment of a European mechanism for the peaceful settlement of disputes.

40. His Government fully recognized the importance of disseminating international law among young people and was convinced of the value of the rule of law to the development of international relations. It therefore encouraged the teaching, study, dissemination and wider appreciation of international law in State institutions of education and in private universities. The programmes of study of international law were being updated and adapted in accordance with the recommendations of the General Assembly. Post-graduate and other forms of training in international law had been organized for young lawyers and diplomats. The National Committee intended to suggest to the Ministry of Education and to the Ministry of Science that cooperation should be expanded among universities and schools in the field of disseminating international law. It also proposed that some issues of public international law should be studied in secondary schools. International assistance had been received for some of those activities and his delegation subscribed to the view of the United States representative that the activities of the Decade would produce a new generation of international legal scholars, teachers and practitioners, and would bring greater understanding of international law to lawyers in all fields as well as to the general public.

41. In the spirit of the relevant General Assembly recommendations, new institutions and associations had been created to contribute to wider dissemination and appreciation of international law. Useful contributions had been received from several non-governmental institutions, which had sponsored many conferences, round tables and symposia on subjects of international law.

42. His delegation had noted with interest the request addressed to the Secretary-General to prepare a report on the relevant activities of the United Nations, including those of the International Law Commission, aimed at encouraging the progressive development and codification of international law. In that respect, it supported the suggestion, accepted by the International Law Commission, to prepare a publication containing articles contributed by members of the Commission, which would present an overview of the main international law problems on the eve of the twenty-first century. He hoped that the working group established to finalize the outline of that publication would produce proposals that would enable the Commission to make a specific contribution to the Programme of the Decade.

43. The Decade should also be used for acquiring better knowledge of legal traditions and of the original contributions of different nations and personalities who had actively participated in the codification and progressive development of international law. In that respect, he recalled the lecture given at the Hague Academy of International Law in 1938 by the

(Mr. Voicu, Romania)

Romanian Professor Mircea Djuvara, who had stated that all international legal principles were inspired by the idea of justice.

44. The Decade provided a unique opportunity to promote and enhance the cause of peace by strengthening the supremacy of the rule of law and increasing the willingness of States to abide by the norms of international law. The Programme for the Decade must help to create a healthy and just legal environment. Through its Working Group on the Decade, the Committee should therefore continue to be a coordinating body monitoring all activities related to the Decade.

45. Mr. Zarif (Islamic Republic of Iran) resumed the Chair.

46. Ms. WILLSON (United States of America) said that sharpening the international community's focus on ways of implementing the Decade was an extremely significant development. The United States had stressed the need to concentrate on concrete activities during the Decade, such as encouraging the teaching, study, dissemination and wider appreciation of international law, which was particularly productive in achieving a wider understanding and appreciation of the relevance of international law to the lives of people.

47. International law should be effectively promoted through the teaching of international law in primary and secondary schools and in universities, where the values and attitudes of youth were formed. Efforts should also be made to develop model curricula and materials for the teaching of international law at those levels. Such a project would involve combining the skills of educators with an expertise in international law. That suggestion had been particularly well received not only in the Sixth Committee but also in the wider international legal community. It was the involvement of all those interested in international law which would breathe life and vitality into the Decade.

48. Her delegation was pleased to share with members of the Committee an outstanding example of a concrete project to enhance respect for international law through the teaching of international law to the youth of the world. The project was the result of cooperation to implement the Programme for the Decade undertaken by the New York State Bar Association's Law, Youth and Citizenship Programme, with technical assistance from the United Nations Secretariat and financial assistance from the United States Department of Education. It took the form of a teaching textbook on international law entitled International Law and the Society of Nations: An Introduction to Public International Law in the 1990s. The book's chapters addressed broad themes: how international law was made and enforced; the role of the General Assembly, Security Council and International Court of Justice in the international legal regime; and the obligation of States to use peaceful means to resolve their international disputes. The publication was designed to assist social studies teachers and students at the secondary level in global studies, participation in government, and law-related education. Indeed, it was just the kind of text which the Nordic countries had recently called for

(Ms. Willson, United States)

in the debate in the Sixth Committee. The textbook was widely distributed to high schools in New York State and had an accompanying teachers' guide. The New York State Bar Association would be providing teacher training on use of the materials and would be sending a copy to each Permanent Mission.

49. The New York State Bar Association also produced a publication entitled Law Studies - International Law and Organizations in a Changing World, which was distributed to every public and private school in the State of New York.

50. Another student project during the Decade was the Treaty to Prevent Unregulated Deforestation and to Encourage Reforestation Efforts, which was prepared by high-school students from the United States, the Russian Federation and Belgium. With cooperation from the International Court of Justice and the United Nations, the students had presented their original treaty at the World Court at The Hague on Earth Day in 1990. During the previous two years, the students had worked to develop the new proposal incorporating recommendations and suggestions from various international and national governmental agencies.

51. A film showing the presentation of the students was projected.

52. Those examples showed that international law could be brought to life for secondary-school students, a factor which could make an appreciable contribution to the wider dissemination of international law. Through a continuing international dialogue, the Decade could make a difference.

53. Mr. OULD MOHAMED MAHMOUD (Mauritania), speaking on behalf of the countries members of the Arab Maghreb Union (AMU), said that they attached great importance to the objectives of the Decade and had endeavoured to implement them. The AMU countries were parties to a large number of multilateral treaties and believed that wide acceptance of such treaties was likely to promote respect for the principles and norms of international law. At the same time, the process of formulating multilateral conventions must be truly universal, and developing countries must participate fully in that process so that their interests would be reflected in international instruments.

54. The AMU countries welcomed the regular publication by the Secretariat of information on the status of ratifications of, and accessions to, the multilateral treaties deposited with the Secretary-General, and would appreciate similar information on the status of international instruments for which the Organization was not a depositary.

55. Recent changes in the international climate should be conducive to promoting means and methods for the peaceful settlement of disputes between States. The delegations on whose behalf he spoke believed that States, while retaining latitude in the choice of the method which they deemed most appropriate, should encourage resort to the International Court of Justice.

(Mr. Ould Mohamed Mahmoud, Mauritania)

Furthermore, the Court should be given additional resources in view of its increased caseload. The proposal to authorize the Secretary-General to request an advisory opinion of the Court warranted closer scrutiny.

56. The United Nations remained the best framework for the progressive development of international law and its codification. The AMU countries urged continuation of such efforts, particularly in the area of development. The proposal for a possible United Nations Congress on public international law would, if implemented, require thorough preparation and wide acceptance. The Sixth Committee should remain the chief initiating and coordinating body for activities in the field of the progressive development of international law and its codification.

57. One of the major objectives of the Decade was encouragement of the teaching, study, dissemination and wider appreciation of international law. The AMU countries would welcome an increase in the number of training courses provided by United Nations bodies at the regional and international levels. Cooperation should be established between developed and developing countries with regard to research, teaching and training. The AMU countries welcomed the publication under way of the summaries of the judgments and advisory opinions of the International Court of Justice in the official languages of the United Nations. The Sixth Committee, through its Working Group and with the assistance of the Secretariat, should be the coordinating body of the programme for the Decade.

58. Mr. PANTIRU (Republic of Moldova) said that his delegation fully endorsed the programme for the activities for the second term (1993-1994) of the Decade. Of particular interest were the activities relating to the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice.

59. In that connection, his delegation supported the recommendation that the Sixth Committee should consider strengthening the use of means and methods for the peaceful settlement of disputes, as well as methods for early identification and prevention of disputes and their containment (A/C.6/47/L.12, annex, chap. II, para. 2 (a)).

60. That question was of great significance to his country in view of the new tensions in the districts on the left bank of the Dniester which were part of the Republic of Moldova. The secessionist policy of the leaders of the separatist movement had prevented implementation of the provisions of the Russian-Moldovan Agreement of 21 July 1992 concerning a peaceful settlement of the armed conflict in those districts.

61. Under those circumstances, his country had sent two letters to the Secretary-General in October 1992 (A/47/497 and A/47/561), requesting that United Nations observers should be sent to the Republic of Moldova, with a mandate to monitor the withdrawal of the 14th Army of the Russian Federation from the territory of the Republic of Moldova.

(Mr. Pantiru, Republic of Moldova)

62. In reiterating that request, his delegation recalled the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field (General Assembly resolution 43/51, annex). Paragraphs 20 and 21 of the Declaration provided that the Secretary-General, if approached by a State or States directly concerned with a dispute or situation, should respond swiftly, and should consider approaching those States in an effort to prevent the dispute from becoming a threat to the maintenance of international peace and security.

63. His delegation believed that small countries should not be at the mercy of large and powerful countries; accordingly, it urged the United Nations and the Conference on Security and Cooperation in Europe to support the efforts of the Republic of Moldova to settle the conflict by peaceful means. The Handbook on the Peaceful Settlement of Disputes emphasized the important role of the Secretary-General in holding consultations with the parties to a dispute, conducting fact-finding activities, and participating in or assisting negotiations; for that reason, his country hoped for a positive response to its request.

64. Turning to chapter IV of the report of the Working Group on the Decade (A/C.6/47/L.12), he said that his country intended to increase the involvement of its academic community in the consideration of international legal issues. The Republic of Moldova believed that the provision of assistance and technical advice at the bilateral and multilateral levels to new Member States in the field of international law would be of great value. As a first step, the specific needs of newly independent States should be ascertained so as to enable donor countries and international organizations to devise appropriate means of providing the required assistance. His country shared the view of the United States that respect for international law could be promoted most effectively through the education of the general public with regard to international law and the rule of law. In that connection, his country was considering accession to existing multilateral treaties, particularly those relevant to the progressive development of international law and its codification.

65. He welcomed the proposal for a possible United Nations Congress on public international law, which would make a significant contribution to the Decade.

66. Mr. CHOI (Republic of Korea) said that, as the world entered a new era of multilateral cooperation, the Decade should be viewed as an opportunity to promote respect for international law and thus to strengthen the basis for the Organization's growing responsibilities, in accordance with Article 1 of the Charter.

67. The world could not, however, afford to assume that the end of the cold war would automatically lead to progress. It was necessary to consider why international law had not so far played the desired role in international

(Mr. Choi, Republic of Korea)

relations. A genuine and substantial effort by the international community would be required to ensure the success of the Decade.

68. Before becoming a Member of the United Nations, his country had implemented various national programmes related to the Decade. Subsequently, its admission to membership had resulted in concerted efforts to promote an understanding and awareness of international law. In 1991, a non-governmental institution, the Seoul International Law Academy, had been established by members of the academic community. The Korean Association of International Law and other organizations had held seminars, symposia and workshops on a number of issues relating to international law. His Government had sponsored several of those organizations and would do so in the future.

69. His country was intent on sustaining the momentum initiated during the first term (1990-1992) of the Decade, and shared the prevailing view that the programme for the next two-year term should be kept along the lines of the 1990-1992 programme, with the necessary adjustments.

70. With regard to promoting the acceptance of and respect for the principles of international law, more must be done to integrate individual States into the overall framework of multilateral treaties and legal instruments; the suggestion that States should harmonize their legislation with the international obligations that they had freely accepted was welcome.

71. Furthermore, there was a need for assistance and technical advice to States aspiring to play a greater role within the multilateral treaty framework, especially to developing countries. The United Nations International Drug Control Programme had made substantial progress in providing legal services to States interested in effectively implementing the international drug control Conventions. Other United Nations bodies might consider similar legal assistance programmes.

72. In order to promote greater respect for international law, national constituencies would have to be convinced of the value of that endeavour; accordingly, one of the central objectives of the Decade was the popularization of international law. It would be appropriate to publish a general manual of international law written for non-specialists.

73. It had been recommended that States should organize training courses in public international law for officials who were not lawyers. His Government was considering the possibility of organizing a programme of lectures and seminars on international law for middle-level government officials.

74. His delegation also welcomed the proposal for a possible United Nations congress on public international law to be held during the next term of the Decade. Although further clarification on the agenda of such a congress would be useful, it could substantially advance the efforts related to the Decade.

75. Mr. KAZI (Pakistan) said that the report of the Secretary-General (A/47/384 and Add.1) provided a useful basis for discussion in the Working Group. Pakistan supported the proposed programme of activities for the second term (1993-1994) of the Decade (A/C.6/47/L.12, annex).

76. His delegation noted with interest the activities undertaken by States and international organizations and institutions to promote the acceptance of and respect for the principles of international law. His delegation also noted with satisfaction that some Member States had become parties to a number of multilateral treaties. The change in the political climate offered new opportunities in that regard. The Decade would help to enhance the rule of law in international relations.

77. The promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, was already being discussed within the framework of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. The report of the Secretary-General entitled "An Agenda for Peace" (A/47/277-S/24111) was a timely and useful document.

78. The principle of the peaceful settlement of disputes was the cornerstone of his country's policy. Pakistan had accepted the compulsory jurisdiction of the International Court of Justice and believed that there should be greater recourse to the Court. The Court should play a greater role in the collective security system; in that connection, his country welcomed the Secretary-General's initiative in establishing the Trust Fund to assist countries in the peaceful settlement of disputes through the Court.

79. His country welcomed the publication of the summaries of the judgements and advisory opinions of the Court. The popularization of international law was at the heart of the Decade. The United Nations system, regional organizations and Member States should continue to sponsor seminars, symposia and training courses on various aspects of international law, and assistance should be provided to participants from developing countries.

80. His delegation supported the proposal for a possible United Nations congress on public international law and believed that the Secretariat should be authorized to start preparatory work for such a congress.

81. The programme for the Decade should strengthen international peace and security. The progressive development of international law should facilitate human progress within the framework of a just international order. His country believed that underdevelopment and economic disparity among States were among the main factors of social and political instability. In the context of the Decade, attention should be given to solutions to international economic problems through such measures as a reduction of interest rates, increased development assistance, curbs on protectionist policies and trade barriers, technology transfers to developing countries and the stabilization of commodity prices.

82. Mrs. TSONEVA (Bulgaria) said that the report of the Secretary-General on the item (A/47/384 and Add.1) was a very useful document, containing as it did the replies received from States and international organizations and giving a clear picture of what had been done to implement the programme nationally and internationally. Clearly, a serious effort had been made which reflected the political changes that had taken place in the world and formed a good basis for the new programme worked out during the current session.

83. So far as acceptance of and respect for the principles of international law were concerned, unless all States did their best to act in conformity with international law and the Charter, and accepted the multilateral treaties and applied them as part of their national law, international legal norms would remain a dead letter. Governments, governmental and non-governmental organizations and the organs of the United Nations could all play an important role in that connection.

84. In his report entitled "An Agenda for Peace", the Secretary-General had laid stress on strengthening the role of the International Court of Justice. In Bulgaria's view, one of the main tasks of the Decade should be to encourage States to accept the compulsory jurisdiction of the Court as one means for a peaceful settlement of disputes in regard to bilateral and multilateral agreements. Studying the activities of the Court more frequently in the Sixth Committee and promoting consultations between the International Court of Justice and national courts were useful suggestions for the new programme.

85. Her delegation was in favour of convening a congress on international public law and was ready to contribute to it. The congress would need to be well organized in advance and to have a well-established programme. The results of its debates, provided they were not of a political character, could be an inspiration to the Decade.

86. Despite the welcome improvements in the world situation, the need to strengthen the capacity of the United Nations in regard to the maintenance of international peace and security was still pressing. Bulgaria had been one of the first in the General Assembly to advocate the establishment of an international criminal court and the codification of international law on those matters.

87. The teaching, study and dissemination of international law was particularly important. Seminars and the publication of the summaries of the judgements and advisory opinions of the International Court would be very useful in that connection. Her delegation would work wholeheartedly to carry out the programme for the Decade.

AGENDA ITEM 134: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY (continued) (A/47/26; A/C.6/47/L.13)

88. Mr. MOUSHOUTAS (Cyprus), Chairman of the Committee on Relations with the Host Country, introducing draft resolution A/C.6/47/L.13, said that the aim of

(Mr. Moushoutas, Cyprus)

the drafters and sponsors of the current resolution remained the same as in previous years. The draft was well balanced and covered the main concerns of the diplomatic community and of the host country, namely the security of missions, their privileges and immunities, and indebtedness. It incorporated the recommendations and conclusions adopted unanimously by the Committee on Relations with the Host Country and the opinions expressed during the debate on the item in the Sixth Committee. He hoped that, as in previous years, the draft resolution would be unanimously adopted.

89. Mr. FISSENKO (Belarus) said that his delegation wished to join in sponsoring the draft resolution.

90. Draft resolution A/C.6/47/L.13 was adopted.

91. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 134.

AGENDA ITEM 129: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FOURTH SESSION (continued) (A/47/10; A/C.6/47/L.14)

92. The CHAIRMAN invited the Committee to take action on draft resolution A/C.6/47/L.14 on the report of the International Law Commission on the work of its forty-fourth session.

93. Mr. ZMIEYVSKIY (Russian Federation) said that his delegation wished to present a number of corrections to the Russian text of the draft resolution.

94. The CHAIRMAN said that the Secretariat would note the corrections and make the necessary changes.

95. Draft resolution A/C.6/47/L.14 was adopted.

96. Mr. THIAM (Guinea), speaking on behalf of the African Group of States of the Sixth Committee, said that, in joining the consensus on the resolution, the delegations had reaffirmed their view of the importance to the international community of the struggle against international organized crime. They accordingly accepted the idea of an international criminal jurisdiction and agreed on the priority nature of the issue. They believed, however, that the question of an international criminal court should be considered within the framework of the draft Code of Crimes against the Peace and Security of Mankind. They also felt that, in view of the importance of the matter, the work of the International Law Commission should not be subject to a rigid timetable. The concerns of all States would need to be taken into account in order to make a statute for an international criminal court acceptable and they trusted that the International Law Commission would continue to display the necessary flexibility.

97. Ms. GOLAN (Israel) said that, if paragraph 6 of the draft resolution had been put to the vote, her delegation would have abstained. The subject

(Ms. Golan, Israel)

entailed too many important issues which needed to be clarified before an adequate decision could be taken. In continuing its work, the International Law Commission would have to decide the question of the personal jurisdiction of the international criminal court as well as the need to limit the initiation of a complaint to a State party to the proposed statute which had accepted the court's jurisdiction with respect to the offence in question. Other matters the Commission would have to consider included the need for the consent of all the States concerned, the elaboration of a system of preliminary investigation, the elaboration of an extradition procedure, the establishment of a system of prosecution, the establishment of adequate rules of due process of law, the question of the law to be applied and the question of the execution of the punishment.

98. Mrs. VALDES (Cuba) said that her delegation had joined the consensus on the resolution but would have been unable to vote for all its provisions if it had been put to the vote. She would have preferred the International Law Commission to concentrate on examining the opinions of Member States in the coming year rather than proceeding with the elaboration of a draft statute for an international criminal court. Her delegation's acceptance of the resolution was without prejudice to its final position when the work of the International Law Commission was completed.

99. Ms. WILLSON (United States of America) said that, in adopting the resolution, the Committee had not decided to establish an international criminal court but only to continue the process whereby a fully informed decision could be made at the proper time. A number of complex legal and practical issues remained to be examined and the resolution made it clear that the International Law Commission should consider them fully before drafting provisions for a proposed statute. Clarification of those issues would be criticial to determining whether and in what manner an international criminal court should be established. If those issues and the views of Governments, as well as the practical considerations involved, were to be thoroughly considered, the Commission could not be expected to complete the drafting of a statute at its next session. Accordingly, the resolution provided that the Commission should submit a progress report for consideration at the forty-eighth session of the General Assembly.

100. Mr. NEUHAUS (Australia) said that the mandate given to the International Law Commission to elaborate a draft statute for an international criminal court was an important development and the task should be undertaken by the Commission as a matter of priority. His delegation looked forward to receiving a progress report at the next session of the General Assembly and hoped that the work would be completed as soon as possible. The view that the time had come to move forward on the matter was widely shared, and his delegation urged all Governments to assist and support the International Law Commission in its task.

101. Mr. MIRZAEE-YENGEJEH (Islamic Republic of Iran) said that his delegation's acceptance of the resolution should not be interpreted as approval of all its aspects, or as a commitment to accept any future draft statute before a very careful examination. His delegation reserved the right to express its views on the technical aspects of the proposed draft statute in due course.

102. Mr. KOROMA (Sierra Leone) said that the International Law Commission had responded to the wishes of the international community in presenting its report on the feasibility of an international criminal jurisdiction. It should continue on that path as a matter of priority to ensure that the project was expeditiously completed.

103. Mr. KAZI (Pakistan) said that, during the debate on the report of the International Law Commission, his delegation had made it clear that the establishment of an international criminal court involved many complex and difficult issues, including the question of the applicable law. The matter should be addressed with great care and without undue haste. His delegation therefore had reservations in regard to paragraph 6 of the resolution. The adoption of the request to the Commission to continue its work before Member States had been given an opportunity to give their views on it had prejudge the comments that would be submitted to the Secretary-General on the report of the Working Group under paragraph 5 of the resolution. That was not acceptable to his delegation, which believed that States should have been given an opportunity to study the issues before the Commission had been asked to continue its work on the question.

104. Mr. STRAUSS (Canada) said that the resolution referred to issues that were important to many States and strong divergent views had been expressed. His delegation was pleased, therefore, that the resolution represented the achievement of a compromise that was acceptable to all. The debate in the Sixth Committee had been a clear indication of the very active international interest in the topic. Recent international events underscored the need for progress on the establishment of an international criminal jurisdiction for the trial of international offences. His delegation hoped that a preliminary draft statute would be submitted to the Assembly at its next session and a draft statute at the forty-ninth session.

105. Other expert bodies and interested organizations could contribute to the work of the International Law Commission on the matter. An international meeting of experts was to be held in Vancouver, early in 1993, by the International Centre for Criminal Law Reform. It would give experts from a wide range of countries an opportunity to discuss an approach to the establishment of an international criminal court in a concrete fashion.

106. Mr. CHATURVEDI (India) said that, if a vote had been taken on paragraph 6 of the resolution, his delegation would have abstained. It believed that the question of according priority to the project for the elaboration of a draft

(Mr. Chaturvedi, India)

statute for an international criminal court should first have been discussed in the General Assembly.

107. Mr. LIN Dagun (China) said that his delegation believed that the establishment of an international criminal jurisdiction would be an ideal form of international cooperation. However, given the philosophical differences between States and the political complications, its practical feasibility was doubtful. The task assigned to the International Law Commission was, therefore, not an easy one. It would need to consider the report of the Working Group fully and to consult Governments before making very careful preparations. In his delegation's opinion, setting a rigid timetable for the Commission would be counter-productive. Although it was not perfectly satisfied with the resolution, his delegation had joined the consensus in a spirit of compromise and a desire to offer the maximum cooperation.

108. Mr. WOOD (United Kingdom), speaking on behalf of the member States of the European Community, welcomed the adoption of the resolution. The International Law Commission had been given a mandate to draft the statute for an international criminal court as a matter of priority. It was hoped that the draft statute would be submitted to the General Assembly in the shortest possible time. As reflected in paragraph 6 of the resolution, the project constituted a major undertaking and should be dealt with by the International Law Commission as a new and distinct item.

109. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 129.

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/47/33; A/C.6/47/L.15)

110. Mr. KOROMA (Sierra Leone) said that his delegation wished to join the sponsors of draft resolution A/C.6/47/L.15.

The meeting rose at 6.10 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

SIXTH COMMITTEE
36th meeting
held on
Tuesday, 17 November 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 36th MEETING

Chairman: Mr. ZARIF (Islamic Republic of Iran)

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AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued)

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued) (A/47/60-S/23329, A/47/67, A/47/356-S/24367, A/47/384 and Add.1; A/C.6/47/6; A/C.6/47/L.12)

1. Mr. FSADNI (Malta) said that his country had always sought to conduct its international relations in full respect for the norms of international law, because it firmly believed that the rule of law on the international level was essential for the maintenance of international peace and security. International law might well be the only protection enjoyed by small States. The enforcement of international law by a revitalized United Nations in the post-cold-war period provided the international community with a unique opportunity to fulfil the first aim of the United Nations Decade of International Law, namely, promotion of acceptance of and respect for the principles of international law. For that reason, his delegation strongly supported section I of the programme of activities proposed for the second term of the Decade, which once again highlighted the importance of existing multilateral treaties, particularly those relevant to the progressive development of international law and its codification. Maltese national legislation and the policies of the Maltese Government were already in line with a number of other multilateral treaties to which Malta was not yet a party, a situation attributable to a lack of resources rather than to a lack of political will. His delegation thus particularly welcomed the paragraph of the programme that encouraged States and international organizations "... to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of multilateral treaties ...".

2. The second aim of the Decade, namely, the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, touched on an area of international relations which, although it had witnessed some improvements in recent years, remained one of the weakest links in the rule of law on the international level. In that sphere, the influence of notions of absolute sovereignty was still strong, and States remained reluctant to relinquish, a priori, full control over dispute settlement procedures. His delegation, which attached particular importance to the role of the International Court of Justice, had accepted the Court's compulsory jurisdiction in 1966 and had turned to it in a dispute with a neighbouring State. Malta had welcomed the initiative of the Secretary-General to establish a Trust Fund for the Court, and had made contributions to that Fund. He reiterated his Government's support for the proposal to authorize the Secretary-General to request advisory opinions of the Court.

(Mr. Fsadni, Malta)

3. Referring to efforts to establish mechanisms for the peaceful solution of disputes at the regional level, he particularly welcomed the progress made by the Conference on Security and Cooperation in Europe (CSCE), and was confident that, when the agreements on which consensus had been achieved entered into force, they would fill a void in the CSCE region and could serve as a model for other regions in the world.

4. Despite its limited resources, the Maltese Government had sought to contribute to the progressive development of international law and its codification, and had always recognized the role played by the United Nations in that field. In that regard, he recalled the initiatives by Malta relating to the legal regulation of the seabed, climate change and extraterritorial spaces; and recognized the valuable contribution made by the International Law Commission, as well as by a number of specialized agencies, to the progressive development of international law and its codification.

5. With regard to encouragement of the teaching, study, dissemination and wider appreciation of international law, he agreed with the Working Group on the United Nations Decade of International Law on the need to strengthen and expand the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, and its Advisory Committee, and that institutions outside the United Nations system could assist in the implementation and possible expansion of the Programme.

6. Referring to the importance of international law in university law and diplomatic courses in Malta, he said that, conscious of the need to promote better knowledge of the practice of international law, the Ministry of Foreign Affairs had launched the "Malta Review of Foreign Affairs". Regarding the organizational and procedural aspects of the Decade, he agreed that the Sixth Committee, acting primarily through its Working Group, should continue its preparation of the programme of activities for the Decade and should serve as the coordinating body for the Programme.

7. Lastly, he expressed his Government's interest in the proposal to convene a United Nations Congress on international law, and hoped that the Secretariat would be able to draw up a preliminary plan, to be submitted to the Committee for consideration at the forty-eighth session of the General Assembly.

8. Mr. YOUSSEF ABDULLAH (United Arab Emirates) said that he had noted with interest the report of the Secretary-General on the United Nations Decade of International Law (A/47/384), as well as the proposals that had been examined by the Working Group on the Decade, particularly with regard to the maintenance of international peace and security, promotion of the principles of international law and the need for peaceful settlement of disputes, including resort to the International Court of Justice. His delegation supported the proposals designed to establish security, peace and peaceful cooperation among States.

(Mr. Youssef Abdullah,
United Arab Emirates)

9. The report of the Secretary-General entitled "An Agenda for Peace" contained a number of positive proposals that paved the way for a more realistic examination of the questions raised therein. He stressed his Government's support for the efforts made by the Secretary-General to settle disputes by peaceful means, promoting the activity of the United Nations and laying the foundations of the new international order to establish peace and security. In view of the national and regional disputes that existed world wide, there was an urgent need to respect the principles of international law. In that context, the proposal to study and teach international law at all levels and to promote its progressive development took on particular importance.

10. He praised the report of the Secretary-General for its call for an enhancement of the role of the International Court of Justice, and particularly for its urging of States Members of the United Nations to accept the compulsory jurisdiction of the Court.

11. Lastly, he expressed the hope that the new international order, based on non-recourse to force, would become effective. Having regard to the national and regional interests of a small State, he considered that the world community must undertake fully to comply with the principles of international law and of the Charter of the United Nations, and fully to apply the principle of peaceful settlement of regional disputes, from which it was clear that the occupation of foreign territories by force was unacceptable. In that way, current world relations would acquire a new dimension.

12. Mr. ROUCOUNAS (Greece) said the continuing evolution of the role of the United Nations as a structural element of the international community was conducive to further action to achieve the objectives of the Decade. That evolution was reflected in the Secretary-General's report entitled "An Agenda for Peace" and in Agenda 21, adopted by the United Nations Conference on Environment and Development; both those documents contained norms and proposals that could be translated into action in the legal field. The Decade offered an opportunity for a broader mobilization of forces within the international community and a series of assessments on a wide range of legal institutions with a view to promoting peace, development and security.

13. With regard to the problems of the environment, the sustained efforts of specialists were needed more than ever before; lawyers, whose role in the field had for various reasons been rather modest, should be invited to offer their best and most imaginative contribution.

14. As to the question of collective security, he noted that the implementation of Chapter VII of the Charter had presented many shortcomings and had given rise to divergent interpretations. Within the context of the activities of the Decade, an overall evaluation should be made of the concept of collective security among other fundamental principles of international law

(Mr. Roucounas, Greece)

such as the peaceful settlement of disputes and the obligation of non-use of force in international relations. Three different objectives of military action, namely maintenance of international peace and security, re-establishment of peace and repulsion of acts of aggression could be distinguished in Chapter VII and in the Secretary-General's report.

15. The suggestion that attention be given to the question of the protection of cultural property in times of armed conflict was also worth considering. That point touched upon the question of the coexistence of numerous international legal instruments regulating the same or similar subject-matter, which was almost inevitable in international relations. The problem was not so much one of finding axiomatic solutions as one of managing the interpretation and implementation of such instruments in such a way that the most favourable rule of protection was maintained. The need for coordination between international instruments and bodies was now compelling, and the Working Group's proposal constituted a sound beginning and could lead to international initiatives deriving from the Decade.

16. With regard to the prospects for wider teaching and dissemination of international law as an integral part of the Programme for the Decade, and the steps already taken in that respect, he said that the importance of education in the meeting of minds for a better world could not be overemphasized. In many countries, including Greece, international law was a compulsory subject in all undergraduate and postgraduate studies in law and political science and in the educational programmes offered to diplomats and members of the armed forces; that activity was a major contribution to the attainment of the objectives of the Decade.

17. Mr. YAHYA (Malaysia) said that although much still needed to be done in order to meet the main purposes and objectives of the United Nations Decade of International Law, he supported the various initiatives and activities undertaken under the programme, particularly those which took the form of financial and other assistance to developing countries.

18. With regard to the activities carried out so far, his delegation was pleased with the efforts that were being made to promote a wider acceptance of existing multilateral treaties. However, not much progress had been achieved, primarily because of the failure to acknowledge that those treaties did not fully take into consideration the interests of all States, since most of them had been drawn up and concluded when the majority of States were under the yoke of colonialism. With the emergence of a new spirit of international understanding and cooperation, all parties concerned must pay urgent attention to those treaties with a view to making appropriate adjustments in order to reflect in a more balanced way the interests of all parties.

19. Malaysia supported the efforts for the progressive development of international law and its codification and, in that respect, appreciated the efforts of the International Law Commission. On the question of the

(Mr. Yahya, Malaysia)

establishment of an international criminal court, it shared the view that at its next session the Commission should, as a matter of priority, proceed with the elaboration of a draft Statute for such a court. His delegation wished to underscore a couple of the concerns of most if not all the developing countries. The first related to their lack of expertise in various fields of international law, which made it difficult for them to participate meaningfully in international codification efforts and in the multilateral treaty-making process; greater assistance was needed from the developed countries in that respect. The second related to the speed with which some parties wished to proceed with that work. In that respect, Malaysia called on the countries of the South to make the effort to present a collective response to the issues at stake and to do so in a timely manner. Furthermore, it appealed to them to be more accommodating so as to provide sufficient time for all concerned to participate meaningfully in efforts such as codification and preparation of legal instruments, since the need to ensure universal acceptance of the results was as important as the need to complete the task without undue delay.

20. His delegation joined others in complimenting the Secretariat for the completion and publication in the current year of the summaries of the judgments, advisory opinions and orders of the International Court of Justice. In view of the usefulness of that publication and the plans to update it in subsequent years, his delegation suggested that more copies should be made available to Member States.

21. As to the proposal to hold a United Nations congress on public international law in 1994 or 1995, to coincide with the mid-term review of the programme of the Decade, as well as the fiftieth anniversary of the Organization, his delegation was pleased that there was a consensus to request the Secretariat to prepare a preliminary plan for such a congress and agreed that the congress should be properly and carefully planned.

22. Lastly, with regard to the need for a standing body to monitor and coordinate the activities of the Decade, he agreed that that task should be entrusted to the Chairman and Bureau of the Committee.

23. Mr. STRAUSS (Canada), speaking on behalf of Australia, New Zealand and Canada, said that the Governments of those countries were fully committed to the realization of the four objectives of the Decade and had implemented comprehensive national and regional programmes. The proposed programme of work for the second half of the Decade, contained in the annex to the Working Group's report (A/C.6/47/L.12), provided the necessary framework for the continuation of a wide range of national, regional and international activities.

24. The promotion of the means and methods for the peaceful settlement of disputes between States, which was the subject of part II of the Programme, was an appropriate focus for the Decade. Increased recourse to the International Court of Justice and the strengthening of its role was one

(Mr. Strauss, Canada)

concrete way of enhancing compliance with the rule of law in international relations. The report of the Secretary-General entitled "An Agenda for Peace" provided a useful checklist for future action.

25. Australia, New Zealand and Canada supported the Secretary-General's call for universal acceptance of the compulsory jurisdiction of the International Court of Justice under article 36 of the Statute of the Court, and joined the Secretary-General in encouraging States which had not yet done so to make a declaration to that effect in the course of the Decade.

26. Pursuant to Article 96 of the Charter of the United Nations, the General Assembly and the Security Council could request the International Court of Justice to give an advisory opinion. The General Assembly could also authorize other organs of the United Nations and specialized agencies to request advisory opinions of the Court on legal questions arising within the scope of their activities. Australia, New Zealand and Canada supported consideration of the call made in the report entitled "An Agenda for Peace" for the Secretary-General to be authorized to take advantage of the Court's advisory competence, and welcomed the comments made by the President of the Court, Sir Robert Jennings (in his introduction to the ICJ report) with regard to the review of the Court's practices. The Court should pursue the review of its work practices in order to encourage use of the Court as a forum for the settlement of a broader range of cases.

27. A priority for the United Nations Decade of International Law should be the improved implementation of current international legal norms and more frequent recourse to existing international organs and mechanisms (as provided for in Part I of the programme); that should be so particularly with regard to compliance with existing human rights obligations. Australia, New Zealand and Canada welcomed the recent special session of the Commission on Human Rights, convened to consider the situation in the former Yugoslavia, and the appointment of a Special Rapporteur to investigate allegations of human rights abuses.

28. Australia, New Zealand and Canada welcomed the development of international legal rules relating to environmental protection, international humanitarian law and human rights. They also welcomed the achievements of the United Nations Conference on Environment and Development, particularly the opening for signature of the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change. The three countries had signed the Conventions and intended to ratify them at an early date.

29. The convening in 1993 of a conference on fisheries would provide an appropriate framework for the development of an effective regime to deal with problems related to the conservation and management of fisheries resources. He also looked forward to further progress by the Commission on measures relating to the law of the non-navigational uses of international watercourses and international liability for injurious consequences arising out of acts not

(Mr. Strauss, Canada)

prohibited by international law. The Governments of Australia, New Zealand and Canada were also participating in the debate on the item of protection of the environment in times of armed conflict and hoped that it would constitute a vibrant element of the work of the Decade.

30. A proposal had been made to start preparatory work for a congress on public international law during the following term of the Decade. Australia, New Zealand and Canada looked forward to receiving the preliminary operational plan for a possible United Nations congress on public international law.

31. With regard to Part IV of the programme (encouragement of the teaching, study, dissemination and wider appreciation of international law), the Australian Government had organized a scholarship scheme to assist in the training in international law of government lawyers from island countries in the Pacific. It had also provided support for a conference held in Fiji in late 1991 under the auspices of the United Nations Commission on International Trade Law (UNCITRAL), at which the trade law Conventions of UNCITRAL had been promoted. At the International Law Seminar held in 1992 at Canberra, which was organized by the Government in conjunction with the Australian National University, the revival of the Australia-New Zealand Society of International Law had been announced.

32. In New Zealand, an introductory international law course was currently being offered to all diplomatic trainees entering the Ministry of Foreign Affairs and Trade. The Ministry, together with the New Zealand Law Commission, had shortly before organized a joint seminar to discuss the work of UNCITRAL and other international legal developments related to trade.

33. Over the previous two years, Canadian universities had organized a series of meetings aimed at advancing the objectives of the Decade. During the XXI Annual Conference of the Canadian Council of International Law, which had recently been held in Ottawa, a round-table discussion on the Decade had taken place. Efforts were under way to integrate the teaching of the principles of international law into university courses dealing with related subjects. There had also been efforts to advance the teaching of basic international legal principles at the secondary level. A Canadian private organization, "World Network for International Law", had been founded with the objective of promoting the Decade.

34. The informal consultations which had taken place in recent years between those responsible for international legal services in Ministries of Foreign Affairs of Member States of the United Nations provided a valuable opportunity to share information and experiences.

35. Mrs. VALDES (Cuba) said that since 1989 when, at the initiative of the Non-Aligned Countries, it had been decided to declare the 1990s the United Nations Decade of International Law, Cuba had actively supported the Decade. In the current circumstances of international relations, effective measures

(Mrs. Valdes, Cuba)

were required to ensure that those relations were conducted on the basis of effective rules of international law.

36. In the earliest comments sent to the Secretary-General in connection with the current item, Cuba had expressed the view that the question of the peaceful settlement of international disputes should be given priority during the Decade. The Organization had achieved successes in that field, including the Manila Declaration on the Peaceful Settlement of International Disputes and the subsequent Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations. It would, however, be useful for a binding legal instrument to be elaborated during the Decade and work should continue in that direction within the framework of the Special Committee on the Charter.

37. Her delegation was of the view that certain issues related to disarmament should be included for study during the Decade. In the field of codification, special emphasis should be placed on obtaining a comprehensive nuclear-test-ban treaty. As a result of the initiative of a group of non-nuclear-weapon States, progress was also being made towards the objective of amending the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, in order to convert that international instrument of partial prohibition into one which covered all types of tests. The promotion of either of those options should be one of the tasks envisaged during the Decade. Other disarmament-related issues which could be promoted during the Decade concerned the codification of instruments to prevent the arms race in outer space.

38. Her delegation attached great importance to the protection of the environment, a topic on which an international meeting had recently been held at Havana. In the context of the activities for the Decade, it was important to envisage activities which contributed to the development, implementation and strengthening of the agreements reached at the United Nations Conference on Environment and Development.

39. Since the United Nations had also designated the 1990s as the International Decade for the Eradication of Colonialism, the Decade of International Law should provide a suitable context for the elimination of the remaining vestiges of colonialism in the world.

40. The Cuban delegation welcomed the proposal made by the Islamic Republic of Iran, and supported by a large number of delegations for a congress on public international law, to be held in 1994 or 1995; Cuba supported both the convening of such a congress and the proposed dates.

41. Lastly, while the achievement of consensus was desirable, it must not, under any circumstances, be regarded as a rigid rule for the adoption of decisions by the General Assembly.

42. Mr. OSHODI (Nigeria) said that the United Nations Decade of International Law was a significant event for the international community, particularly if the four main objectives of the Decade were carefully pursued. Nigeria was of the view that all Member States should evince a willingness to abide by the fundamental norms of international law and the principles of the United Nations Charter, and agreed that assistance and technical advice should be provided to developing countries to facilitate their participation in the process of multilateral treaty-making.

43. Nigeria fully endorsed the programme for the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice. Consultations between the International Court of Justice and national or domestic courts should be encouraged.

44. The United Nations Decade of International Law, proclaimed in 1989 on the initiative of members of the Movement of Non-Aligned Countries, was expected to promote the popularization of international law. The teaching, study, dissemination and wider appreciation of international law should be encouraged, particularly in the area of humanitarian law. Nigeria welcomed the informal consultations among members of the Sixth Committee in which non-governmental organizations and experts in various fields of international law were able to participate. Informal consultations between the members of the Sixth Committee and the President and judges of the International Court of Justice should also be encouraged. Nigeria expressed appreciation for the publication of the summaries of the judgements and advisory opinions of the Court.

45. The suggestion that national committees should be established to implement the programme for the Decade was very wise. Nigeria intended to organize such a national committee shortly and to request it to organize a conference on cooperation between regional organizations and the United Nations at the subregional level, focusing on the issue of the peaceful settlement of disputes.

46. Lastly, the Nigerian delegation supported the proposal for a United Nations congress on public international law, to be held during the next term of the Decade, and believed that it should be organized with existing resources, on the basis of voluntary contributions. The congress would help to popularize the need for freedom in the international community and respect for human rights. The Nigerian delegation looked forward to participating in the informal Working Group entrusted with preparing a preliminary report on the possibility of holding such a congress.

47. Mr. CHOI (Democratic People's Republic of Korea) said that in the post-cold-war era, in which people aspired to establish a new international order, the codification, consolidation and progressive development of international law would play an important role in the promotion and enhancement of means for the peaceful settlement of all disputes and the

(Mr. Choi, Democratic People's Republic of Korea)

maintenance of international peace and security. The United Nations Decade of International Law would help to supplement and enhance the existing norms of international law in accordance with the requirements of the new situation, and to ensure that the principles of objectivity and impartiality were fully embodied in the implementation of international law.

48. The promotion and enhancement of methods for the peaceful settlement of disputes between States, respect for the principles of objectivity and impartiality in the implementation of international law and public education to promote better understanding of and respect for international legal principles would constitute important focal points during the next term of the Decade.

49. In the contemporary era, international relations should be based on the norms of international law recognized by all countries. Accordingly, it was of great importance to ensure that States settled their disputes by peaceful means and strictly abided by their obligations under international law. Any attempts to settle disputes through the use of force or acts contrary to international law would have a negative impact on international relations in general and would ultimately lead to conflicts at the international level.

50. The establishment of a new international order should be based on the democratization of international relations and support for the sovereignty and equality of all countries. The democratization of international relations should, in turn, derive from the principle of equality and impartiality in the implementation and application of international law. Accordingly, the arbitrary acts of some powerful States, which were contrary to international law, should not be tolerated, nor should there be any privileges or differences between large and small countries, or between developed and developing countries, with regard to the observance of international law. The views of all countries should be respected and should be duly reflected in the process of codification, consolidation and progressive development of international treaties and conventions. His delegation fully endorsed the proposal that the teaching, study, dissemination and wider appreciation of international law should be encouraged as part of the activities for the Decade, with a view to the further promotion of the objectives of the Decade. In particular, vigorous programmes should be undertaken at the national level to publish and disseminate materials on international law, as well as the programme of activities for the Decade. It would also be very useful for the United Nations and the relevant international organizations to hold workshops and seminars for lawyers, especially from developing countries, for the purpose of exchanging information.

51. The Democratic People's Republic of Korea looked forward to cooperating with other Member States in furthering the objectives of the Decade, and pledged to fulfil its international obligations faithfully by strictly

(Mr. Choi, Democratic People's Republic of Korea)

observing the norms of international law, and thus contributing to the maintenance of international peace and security.

52. Mr. ARIF (Singapore) said that the United Nations Decade of International Law should be approached from the premise that the problem was not a dearth of international law but a lack of implementation. Focusing too much on the codification and progressive development of international law could mean that efforts and resources would be wastefully spent on plugging lacunae instead of being concentrated on disseminating existing rules and principles and encouraging their implementation. Often, ignorance of such rules and principles constituted the main obstacle to their implementation.

53. There was an imbalance between the supply of international legal expertise and the supply of destructive weapons, which might partly explain the propensity among countries in the South to resort to military solutions to their disputes instead of seeking legal redress. The Decade provided a rare opportunity to correct that imbalance. It was crucial for countries that had not developed a strong foundation in international law to develop expertise in that field and in negotiations. Some of the activities under the Decade should therefore be geared towards improving the flow of knowledge and skills between countries with a strong foundation in international law and those without. That transfer of what might be called "legal technology" could be achieved through bilateral or multilateral arrangements, such as attachment programmes in legal departments or offices at ministries of foreign affairs for middle- or senior-level government officials to study the impact of international law on foreign policy and its use in negotiations. Suitable financial assistance could be provided through scholarships or other similar arrangements. All that called for a certain measure of good faith on the part of countries with a well-developed basis in international law. While it would meet the aspirations of the Decade if such countries popularized international law among their citizens, it would perhaps be more in keeping with the spirit of the Decade if efforts and resources were to be spent on increasing awareness of international law in countries without the benefit of similar tradition.

54. For the activities under the Decade to achieve their objectives, they should not be confined to academics and specialists in international law. International law should be "marketed" to policy makers, particularly leaders in the socio-economic and political sectors who influenced the shaping of national policies. As part of the marketing strategy, emphasis could perhaps be placed on the profitability and cost-effectiveness of using legal means to resolve bilateral conflicts. That should be accompanied by efforts to penalize countries that paid scant regard to universally accepted international codes of conduct.

(Mr. Arif, Singapore)

55. The idea of holding a congress on public international law was worthy of serious consideration. His delegation was therefore pleased that the Secretariat had been requested to draw up a preliminary plan for the congress for the second term of the Decade. It hoped that in preparing the plan, the Secretariat would bear in mind that participation in the congress should be as broad-based as possible, with consideration given to the different legal systems and the differing levels of development and awareness of international law in different parts of the world. The Secretariat should also bear in mind that one of the primary objectives of the congress was not to develop and codify international law but to promote awareness of international law among those who were responsible for or who influenced national opinion and policies.

56. Mr. MADEJ (Poland), referring to the report of the Working Group on the United Nations Decade of International Law (A/C.6/47/L.12), which indicated that States should be urged to act in accordance with international law, said that acting in accordance with international law also meant legislating in accordance with it. States should therefore harmonize their legislation with their international obligations. They should also clarify the question of the relationship between treaties and acts of the national legislature. In Poland's view, the principle of the primacy of international law over internal law should be respected. The binding force of treaties should be preserved in so far as possible; otherwise, it might be difficult, if not impossible, to implement and respect many international instruments satisfactorily. That was especially true of areas of international law traditionally regulated by national legislative measures.

57. With respect to promoting acceptance of and respect for the principles of international law, Poland had passed several new laws guaranteeing respect for international obligations and ensuring the conformity of Polish law with international law. One example was the new law of 1991 on Poland's territorial sea and exclusive economic zone, which stated that its provisions should not apply if an international agreement to which the Republic of Poland was a party provided otherwise. Bilateral treaties between Poland and its neighbours were based on generally recognized rules and principles of international law. The treaty between Poland and the Russian Federation, for example, contained provisions on the peaceful settlement of disputes and on combating terrorism, traffic in drugs, delinquency, art smuggling and illegal immigration. Furthermore, Poland's new Constitution would include a general provision guaranteeing respect for international law and the full conformity of Polish legislation with the country's international obligations.

58. If, as suggested, States that had not yet become parties to the existing multilateral treaties did so, it would broaden the process of the universalization of international law. Because of the profound political and legal changes that had modified international relations, it was possible to take another look at the treaties that still had not come into force. Poland believed that certain steps, such as informal consultations or quasi-formal amendments, could lead to an acceptable compromise in that respect.

(Mr. Madej, Poland)

59. High priority should be given to the question of promoting means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice. As mentioned in document A/47/384/Add.1, three years previously Poland had been the first State in Central and Eastern Europe to have recognized the compulsory jurisdiction of the International Court of Justice. It was expected that all the reservations formulated by Poland regarding the inclusion of judicial and arbitral clauses in multilateral treaties would be reviewed. His delegation welcomed the proposal to authorize the Secretary-General to request an advisory opinion from the Court, and thought that the proposal should also be considered in the Special Committee on the Charter and on the Strengthening of the Role of the Organization. Taking into account the different views presented, a compromise seemed possible. The first step in that direction should be case-by-case authorization.

60. With regard to encouraging the progressive development of international law and its codification, Poland thought it would be very useful if as many States as possible submitted their suggestions for identifying the areas in which international law should be codified and developed in the near future.

61. As to encouraging the teaching, study, dissemination and wider appreciation of international law, Poland would carefully consider further measures for continuing to contribute to that process. International law was a mandatory subject in the law faculties and other faculties of Polish universities. On the initiative of the Ministry of Foreign Affairs, steps had been taken to establish an international school of diplomacy, which would provide special training in international law for employees of the Ministry of Foreign Affairs and other relevant ministries. In addition, several Polish universities had organized international seminars and courses on human rights, humanitarian law and European integration.

62. Ms. JUNOD (International Committee of the Red Cross), speaking as an observer with the authorization of the Sixth Committee, said that strengthening international law was an essential objective in a world shaken by conflicts, where violations of the most fundamental humanitarian rules occurred each day. While the application of and respect for international law should above all prevent recourse to force as a means of solving disputes, they should also mitigate suffering in wars that could not be avoided. That was why she wished to emphasize yet again that humanitarian law was an integral part of public international law. Humanitarian law might even be said to be a core element of public international law, in that States were required to apply it in times of armed conflict. Frequent and serious violations of humanitarian law were one aspect of the overall problem of the attitude of States towards international law. Respect for humanitarian law necessitated recognition of the primacy of law in international relations.

(Ms. Junod)

63. The vicissitudes which humanitarian law was currently experiencing resulted not from inadequacy in its rules or its implementation mechanisms but from the fact that it was not recognized, that there was no readiness to respect it and ensure respect for it. Since international humanitarian law governed not only protection of the wounded and of prisoners and civilians but also certain aspects of the conduct of soldiers in combat, there was a tendency to avoid the problem and to refuse to face up in peacetime to the sombre consequences of a potential war.

64. For that reason, in order to prevent the terrible sufferings of all those who were victims of breaches of humanitarian law, emphasis had to be placed on prevention, which entailed promoting awareness, providing in-depth instruction, and adopting the necessary measures at the national level - in short, ensuring respect for the law. The dissemination of international humanitarian law was undeniably a factor in promoting peace. In consequence, there were three priority objectives for the Decade's programmes in relation to international humanitarian law.

65. The first objective was to ensure that States really regarded it as a fundamental duty both to provide instruction on humanitarian law and to disseminate it. That would involve, in fact, nothing more than complying with the provisions of the 1949 Geneva Conventions and Additional Protocol I relating to international armed conflicts. In order to prevent or at least limit suffering, efforts to promote knowledge of humanitarian law, and to teach it, had to be expanded above all in time of peace, and the subject had to be a part of the training of all: the officials concerned, young people, especially at secondary school and university, and above all soldiers, for whom conduct in conformity with humanitarian law had to be as natural as carrying a weapon. There was also a need to promote awareness on the part of the population at large.

66. The second objective was to translate those obligations into practice on an effective and permanent basis. In order to achieve that, each State could over the following two years conduct an evaluation of the body of national implementation measures in force in its territory, revise or amplify them as necessary and strengthen their application. Pursuant to a resolution adopted in 1986 by the twenty-fifth International Conference of the Red Cross and Red Crescent, the International Committee of the Red Cross (ICRC) had more than once reminded States of those duties, while calling on them to submit reports in conformity with that resolution, but the response had not been very encouraging. The programme for the second half of the Decade could provide an opportunity to reawaken States to those responsibilities.

67. The majority of the mechanisms provided for by humanitarian law in order to prevent violations of it, and to prosecute perpetrators and make reparations for such violations, were a dead letter. That was the case, for example, with regard to war crimes. But it could not be hoped that the judicial mechanisms specific to humanitarian law could operate when the

(Ms. Junod)

jurisdiction of the world court responsible for settling general international disputes, in existence for over half a century, was accepted by only a handful of States. Making those mechanisms applicable, then, would be the third objective.

68. While the emphasis was on knowledge of and respect for law already in existence, that did not mean that international humanitarian law should remain immutable and that no progressive development was desirable. Indeed, work had to continue in such areas as the law applicable to internal conflict situations, the restriction or prohibition of the use of certain weapons or the rules applicable to war at sea.

69. ICRC wished to make a double appeal: that all States should take measures at the national level; and that the community of States parties to the Geneva Conventions should take effective collective action to ensure respect for humanitarian law in time of peace and in times of armed conflict.

70. Mr. JONKMAN (Secretary-General of the Permanent Court of Arbitration), speaking as an observer with the authorization of the Committee, said that he wished to cover three specific topics: (a) the links between the Court and the United Nations, (b) current and planned activities of the International Bureau of the Court and (c) the application by the Court for permanent observer status to the United Nations.

71. The Court was the oldest intergovernmental institution dedicated to the task of resolving disputes between States. Since 1935, its facilities had been available for resolving disputes between States and private parties. Currently, 78 States were parties to the Convention of The Hague of 1899 or to the Convention of 1907 which had revised it. With one exception, all the States members of the Court were also Members of the United Nations.

72. United by history and by the United Nations Charter itself (Articles 4 to 7 of the Statute of the International Court of Justice), as well as by the shared objective of resolving international disputes by peaceful means, the United Nations and the Permanent Court had seen the strengthening of the links between them with the proclamation of the United Nations Decade of International Law. Another significant fact was that the United Nations was considering holding a third international peace conference at the end of the Decade, at the very moment when the Court would be celebrating its first centenary. The Court expected the activities under the Decade to lead to strengthened and intensified cooperation between itself and the United Nations, which would further the achievement of their shared objectives.

73. With regard to the second topic, the services offered by the International Bureau of the Court were in ever greater demand, which paralleled a growing awareness of them. Many requests for the Bureau's services came from private firms or other juridical persons which had no

connection with States parties to The Hague Conventions. The Bureau nevertheless responded to such requests and made its facilities and services available to the extent possible. The Court had cooperation agreements with such institutions as the International Centre for the Settlement of Investment Disputes and the Multilateral Investment Guarantee Agency. The cooperation agreement with the International Council for Commercial Arbitration, for example, enabled the Court to receive information on arbitration institutions, procedures and activities in various parts of the world.

74. Recent initiatives by the International Bureau, directed towards increasing awareness among States of the services offered by it, and improving the functioning of the Court's system of dispute settlement, were summarized in the booklet entitled "New Directions", which had been distributed in the Sixth Committee. In 1992, a panel of experts on international arbitration had been studying a set of draft optional rules which would be applicable to disputes between States subject to arbitration. The panel had decided to take as a starting-point the arbitration rules adopted by The United Nations Commission on International Trade Law. Once the optional rules were finalized, the text would be circulated to the States parties to The Hague Conventions of 1899 and 1907 and to all States Members of the United Nations. When that task had been completed, the International Bureau would be turning to the preparation of a set of draft optional arbitration rules to apply to disputes in which only one party was a State.

75. Since 1937, the Court's services had been available for settling disputes through conciliation. Conciliation procedures had been studied by the Sixth Committee, on the basis of the draft conciliation rules placed before it by Guatemala, which included in article 23, paragraph 3, several articles from The Hague Convention of 1907. Since the drafting of a set of conciliation rules was a part of the future programme of work of the International Bureau, the Bureau would follow the Committee's work with interest, with a view to adapting the results to its own conciliation procedures.

76. With regard to the third topic, the Administrative Council of the Court had authorized him to request that the Court should be granted permanent observer status at the forty-eighth regular session of the General Assembly. Such a step would strengthen the cooperation between the United Nations and the Court, which would be highly appropriate in the context of the Decade for promoting "means and methods for the peaceful settlement of disputes" as offered by The Hague Conventions. In addition, it would enable the Court to play a more active role in implementing Article 33 of the Charter, a task for which it was well equipped, and to supplement more effectively the functions of the International Court of Justice as the principal judicial organ of the United Nations.

The meeting rose at 12.10 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

SIXTH COMMITTEE
37th meeting
held on
Thursday, 19 November 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 37th MEETING

Chairman: Mr. ZARIF (Islamic Republic of Iran)

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AGENDA ITEM 131: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-FIFTH SESSION (continued)

ORGANIZATION OF WORK

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9 December 1992
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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/C.6/47/L.15 and 17)

1. Mr. ABOULMAGD (Egypt), introducing draft resolution A/C.6/47/L.15, said that Germany, Guinea, Hungary, Italy, Japan, the Republic of Moldova and Romania had also become sponsors. The draft was the result of extensive consultations among a large number of delegations representing all geographic regions; the Committee should therefore be able to adopt it without a vote. He drew attention to the paragraphs recently added to the text - the third preambular paragraph, and paragraph 3, which established the mandate of the Special Committee for its session in 1993 - which he read out. He also drew attention to the latter part of paragraph 5, which authorized the Special Committee to invite other States or intergovernmental organizations to participate in the debate in plenary meetings of the Committee on specific items.

2. Mr. MONTES DE OCA (Mexico) said that his delegation wished to join the list of sponsors of the draft resolution.

3. Draft resolution A/C.6/47/L.15 was adopted without a vote.

4. Mr. ORDZHONIKIDZE (Russian Federation) said that he wished to request a number of changes in the Russian text of the draft resolution.

5. Mr. CHATURVEDI (India), explaining his delegation's position after the adoption of the draft resolution, said that, while India had joined in the consensus, it had not joined the list of sponsors of the draft.

AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued) (A/C.6/47/L.16)

6. Mr. DASTIS (Spain), introducing draft resolution A/C.6/47/L.16, said that Belgium, Bulgaria, Cameroon, France, Germany, India, Indonesia, Italy, Japan, Mauritania, Pakistan, the Republic of Korea, and the United Republic of Tanzania had also become sponsors. The draft was based on the relevant resolutions adopted during the previous two years; the only new element was in paragraph 7, in which the Secretary-General was requested to submit to the General Assembly at its forty-eighth session a report containing a preliminary operational plan for a possible congress on public international law. He hoped that the draft resolution would be adopted without a vote.

7. Mr. ASSENKO (Belarus), Mr. NEGA (Ethiopia) and Mr. MUNKH-ORGIL (Mongolia) said that their respective delegations wished to join the list of sponsors of the draft.

8. Draft resolution A/C.6/47/L.16 was adopted without a vote.

9. Mr. ORDZHONIKIDZE (Russian Federation) said that improvements should be made in the Russian text of the draft resolution.

10. The CHAIRMAN said that, as requested by a number of delegations, he would not announce that the Committee had completed consideration of agenda item 128.

AGENDA ITEM 131: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-FIFTH SESSION (continued)
(A/C.6/47/L.4/Rev.1)

11. Ms. KEHRER (Austria), introducing draft resolution A/C.6/47/L.4/Rev.1, said that Colombia, Cyprus, France, Germany, India, Indonesia, Italy, Mexico and the Russian Federation had also joined the list of sponsors of the draft. In several of its paragraphs, the draft expressed the appreciation of the General Assembly for the valuable contribution rendered by the Commission in the field of international trade law, particularly for the completion and adoption of the UNCITRAL Model Law on International Credit Transfers (para. 2) and the UNCITRAL Legal Guide on International Countertrade Transactions (para. 4), as well as for the organization of a Congress on International Trade Law (para. 10).

12. The great importance which the sponsors of the draft attached to the training and assistance provided by the Commission, particularly for developing countries, was reflected in paragraph 9 of the draft. Paragraph 12 reiterated the request to the Fifth Committee to consider granting travel assistance, within existing resources, to the least developed countries that were members of the Commission, while paragraph 13 expressed the general agreement that, as an additional measure, the Commission should pay special attention to the rationalization of the organization of its work. The pragmatism which characterized the Commission's work had guided the consultations on the draft, and she therefore hoped that it would be adopted without a vote.

13. Mr. ASSENKO (Belarus) said that his delegation wished to join the list of sponsors of the draft.

14. Draft resolution A/C.6/47/L.4/Rev.1 was adopted without a vote.

15. Mr. STRAUSS (Canada), explaining his delegation's position after the adoption of the draft resolution, said that the General Assembly had adopted resolution 46/56 B the previous year in which it recommended that the Commission should hold consecutive meetings of its working groups, a recommendation which the Commission had concluded was impracticable for the reasons set out in paragraphs 187 and 188 of its report on the work of its twenty-fifth session (A/47/17). In the draft resolution just adopted, the debate which had taken place in the Commission should be taken into account and the last phrase of paragraph 13 deleted.

16. Mr. MONTES DE OCA (Mexico) said that his delegation shared the view just expressed by the representative of Canada.

ORGANIZATION OF WORK

17. The CHAIRMAN said that a number of countries had requested the inclusion of an additional item in the agenda of the forty-seventh session (A/47/249), which would probably be allocated to the Sixth Committee. It was therefore possible that the current meeting would not be the Committee's last. He requested delegations which needed to consult their respective Governments on the proposed additional item, "Request for an advisory opinion from the International Court of Justice", to do so as soon as possible.

The meeting rose at 10.55 a.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

SIXTH COMMITTEE
38th meeting
held on
Wednesday, 25 November 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 38th MEETING

Chairman: Mr. ZARIF (Islamic Republic of Iran)

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AGENDA ITEM 151: REQUEST FOR AN ADVISORY OPINION FROM THE INTERNATIONAL COURT OF JUSTICE

AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW

COMPLETION OF THE COMMITTEE'S WORK

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 151: REQUEST FOR AN ADVISORY OPINION FROM THE INTERNATIONAL COURT OF JUSTICE (A/47/249 and Add.1, A/C.6/47/8 and A/C.6/47/L.18)

1. Mr. YAÑEZ-BARNUEVO (Spain), speaking on behalf of the 21 delegations that had proposed it (A/47/249 and Add.1), presented the item entitled "Request for an advisory opinion from the International Court of Justice", thus fulfilling an explicit mandate from the second Ibero-American Summit of Heads of State and Government, held in Madrid in July 1992.

2. Owing to the changes that had taken place in the last few years, the international community was becoming a more and more open society wherein persons and States were increasingly interrelated beyond national frontiers. Such interrelationship did have some supremely positive effects, but it also led to an increase in certain patterns of crime that could affect different States. During the current United Nations Decade of International Law, there was a particular need to achieve reliable cooperation among States in order to combat such crimes effectively using international resources. In an international community made up of independent, free, sovereign and equal States, such cooperation must be based on full respect for international law, and in particular for the principles of sovereign equality, territorial integrity and fulfilment of international obligations in good faith.

3. Above all, no State should apply unilateral measures to the detriment of other States. No country, large or small, could take the law into its own hands because, in so doing it not only contravened fundamental principles of law but also made it less likely that other States would be in good faith willing to cooperate in fighting crime that had international ramifications.

4. Neither could any State, on the grounds of provisions of its internal law or decisions of its judicial organs, disregard its obligations under international law, which prohibited any State, barring express authorization to do so, from exercising coercive power in the territory of another State. Respect for territorial sovereignty was a fundamental principle of international relations. As Benito Juárez once said, "respect for foreign law is peace". The delegations that had called for the inclusion of the item in the agenda of the current session only wished to serve the cause of peace by encouraging respect for international law.

5. The point at issue was whether international law was violated by a State that directly or indirectly captured a suspect in the territory of another State without the latter State's consent and brought him under its criminal jurisdiction to trial. There was also a need to define and specify international law standards applicable in such a case, their scope and the specific juridical consequences of violating them for the States involved.

6. Clarification of those important questions would avoid any erosion of mutual trust between States and would make it possible to establish effective

(Mr. Yañez-Barnuevo, Spain)

judicial cooperation against international crime while respecting international law.

7. Since the juridical questions involved were of enormous importance for the whole international community, the Ibero-American Summit of Heads of State and Government had decided to ask the General Assembly, at its current session, to request an advisory opinion from the International Court of Justice, hence the request in documents A/47/249 and Add.1. The sponsoring delegations had attempted to set forth the legal problem in a general way and, as a matter of principle, apart from any particular situation.

8. He was sure that the other members of the Sixth Committee had the same concern with the problem and would arrive at the same conclusion on how to solve it. However, since many delegations would wish to have some time to reflect on the matter and to consult with their respective Governments, the delegations sponsoring the item did not insist on its further consideration at the current stage of the Committee's work but were content to proceed with it as soon as possible in subsequent discussions. Such were their reasons for sponsoring draft decision A/C.6/47/L.18.

9. Draft decision A/C.6/47/L.18 was adopted without a vote.

10. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 151.

AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW

11. The CHAIRMAN recalled that at the previous meeting (A/C.6/47/SR.37) no announcement had been made that consideration of agenda item 128 was concluded. He therefore stated that the Committee had concluded its consideration of the item.

COMPLETION OF THE COMMITTEE'S WORK

12. After an exchange of courtesies, in which Mr. BELLOUKI (Morocco), Mr. AL-SUWAIDI (United Arab Emirates), Mr. CASTILLO (Venezuela), Mr. POSTILA (Romania), and Mr. DASTIS (Spain) spoke on behalf of, respectively, the Groups of African, Asian, Latin American, Eastern European, and Western European and other States, the CHAIRMAN declared that the Sixth Committee had completed its work for the forty-seventh session.

The meeting rose at 11 a.m.